

# 2023

UCLA Faculty Association Blog: 4th  
Quarter 2023



Blog of UCLA Faculty Association, 4th quarter 2023. All video, audio, and animated gifs are omitted. Daniel J.B. Mitchell, blogger. For originals, go to:  
<https://uclafacultyassociation.blogspot.com/>



## Contents

Watch the afternoon Regents meeting of Sept. 20, 2023	12
Option B for Reading the Blog	14
The Harvard Data Manipulation Affair Continues	15
Going Up	17
The Duke Data Manipulation Branch of the Harvard Data Manipulation ...	18
In case you forgot, she was a Regent	22
Possible UC union amalgamation	24
Two Regents Committees Meet on Oct. 11, 2023	25
Another DEI Higher Ed Lawsuit in California	27
Watch the Regents Meeting of Sept. 21, 2023	30
Eroding Edifice	32
No Recession	34
Another Pretendian - This One on the Regents?	36
Two MacArthur Fellows at UCLA	38
Blackstone-REIT Still Draining - Part 9	40
UCLA's Connection to the Santa Monica Civic Offers an Opportunity -...	41
Will Starbucks' Labor Controversy Come to UCLA?	43
Latest data accords with Forecast	45
New Political Cartoon Collection	46
Anything happening in the world worth commenting on?	48
The Response	50
It's Hard to Keep the Lid On - Part 6 (Strategic Non-Communication)	53

If a tree falls in the forest and no one hears it...	54
Who's in Control?	55
Eke! An AT!	57
If a tree falls in the forest and no one hears it... Follow Up	58
AB 1291 - Follow Up	60
Demographic Destiny	61
UCLA Burkle and Nazarian Center on Israel-Gaza War	62
UCLA Response to Rumors/UC-Irvine Chancellor's Statement	63
Who's in Control? - Part 2	66
Food Service Problems	67
More response from the chancellor	68
Mixed Picture on State Cash Flows	70
As the Forecast Said...	71
Who's in Control - Part 3	72
The Governor is Less Nuanced than the Chancellor	74
Student Subscriptions	75
Legit	76
Retirement Seminar	77
Student-Worker Strike Repercussions - Part 23 (classification)	78
Information on Former UCLA Chancellor Young	79
Cybersecurity	81
Information on Former UCLA Chancellor Young - Part 2	83
Good News and Bad News for AI	84
Fence not a good defense	85
Watch the Regents Health Services Committee of Oct. 11, 2023	87
The Harvard Data Manipulation Affair Continues - Part 2 (due process)	89

The Way We (Shouldn't) Live (Especially) Now	91
Watch the Regents Special Committee on Athletics of Oct. 11, 2023	93
No surprise	95
Charles Young (1931-2023)	96
UCLA History: Chancellorial Responses in the Age of Social Media	97
UC Union Merger Voted	98
Traveling Heads	99
TMT Funding	100
Response from UC-Davis Chancellor	102
Don't Panic Yet	106
Charles Young (1931 - 2023) - LA Times Version	108
What Others Are Doing: MIT	112
An Interview With Former Chancellor Young on Budget Crises and on t...	113
And Now for Something Completely Different...	114
Regent Hernandez at CUCEA	125
Don't Panic - Part 2	126
Whatever Happened to Mail Privilege?	127
Another Cautionary Title IX Story – Part 3	128
Nada	129
Rising UC Health Insurance Costs for 2024	130
Don't Panic - Part 3	132
Reminder: New Master Plan Needed	133
And yet more on the data manipulation affair	134
Delete It - Don't Respond	136

The Other Data Manipulation Case	137
Budget Uncertainty	138
Change in Plans	139
The Football Disruption Last Saturday	140
Rising UC Health Insurance Costs for 2024 - Part 2	142
Two Closed-Door Regents Meetings Today	144
Another Aftershock of the Harvard Affirmative Action Case	145
It's time again...	147
Dartmouth's Example in Dealing With Tension Over Israel-Gaza War	148
Student-Worker Strike Repercussions - Part 24 (no prosecution)	149
Nothing New	151
Blackstone-REIT Still Draining - Part 10	152
The Endless Heaps Case - Part 2	153
The Regents Are Coming to UCLA: Nov. 15-16, 2023	154
Debate Program: Are DEI Mandates for University Faculties a Bad Idea?	160
UCLA Chancellor Search: Upcoming Zoom Session	172
Easy Parking at UCLA (1932)	175
Erosion of the Idea of Student-Athlete Amateurism	176
There was an incident at Berkeley, but no follow up	177
Another Aftershock to the Harvard Affirmative Action Case	178
More on the Way We Live Now	180
Health Costs: A likely topic for next week's Regents meeting	183
UCLA Chancellor Search - Part 2	185
The latest on the Harvard data manipulation affair	186
No Mention of the UCLA Health and MLK Community Hospital Relationship?	188

The Way We Live Now - Continued	190
UC president, 10 campus chancellors issue statement on intolerance ...	192
Once again...	196
And More on the Way We Live Now	197
Not what should be happening...	199
The Way Santa Cruz Lives Now	201
One Step Ahead	203
The Way Santa Cruz Lives Now - Part 2	204
Community College DEI Requirements Suspended by Court	206
Erosion of the Idea of Student-Athlete Amateurism - Part 2	208
No Toy Money?	210
What Others Are Doing: MIT - Part 2	211
UC Regents Chair Leib & UC President Drake on Current Campus Te...	214
Dormzilla, RIP - Part 2	215
Who's In Control? - Part 4	217
More Time	218
Lax recruitment practices and supervision	219
Open Enrollment Extended for Emeriti/Retirees	221
Watch the Regents Morning Meeting of Nov. 15, 2023	222
Dissent	224
Not yet	225
Still further open enrollment extension for retirees	226
UCLA History: Westwood 1932	228
Watch the Regents Afternoon Session of Nov. 15, 2023	229
UCLA History: Aerial View 1929	231



<a href="#">UCLA History: Entrance 1929</a>	232
<a href="#">Watch the Second Day of the Regents: Nov. 16, 2023</a>	233
<a href="#">Happy Thanksgiving</a>	235
<a href="#">In case you missed it...</a>	236
<a href="#">UCLA History: Entrance 1937</a>	237
<a href="#">Topping Off in Berkeley</a>	238
<a href="#">UCLA History: The Future 1927</a>	239
<a href="#">In Case You Missed It... - Part 2</a>	240
<a href="#">UCLA History: From Normal to Library</a>	241
<a href="#">Still creeping up, but...</a>	242
<a href="#">Looks Like a Scam: Don't Click</a>	243
<a href="#">UCLA History: Ice</a>	244
<a href="#">Does Berkeley Know?</a>	245
<a href="#">UCLA History: Normal</a>	246
<a href="#">Dartmouth's Example in Dealing With Tension Over Israel-Gaza War - ...</a>	247
<a href="#">Lawsuit Filed Against Berkeley on Antisemitism</a>	248
<a href="#">UCLA History: Arroyo 1937</a>	250
<a href="#">Search Committee for New UCLA Chancellor Meets Nov. 30 Behind Close...</a>	251
<a href="#">Neutral</a>	252
<a href="#">UCLA History: Women's Gym c1937</a>	254
<a href="#">New Disabilities Major</a>	255
<a href="#">The Latest on TMT</a>	256
<a href="#">New Stamp</a>	257
<a href="#">UCLA History: Reservoir 1930</a>	258
<a href="#">Hidden Message?</a>	259

Less money than expected	260
UCLA History: Under Construction 1929	261
Not Available (Soon)	262
UCLA History: Dewey 1930	263
Dartmouth's Example in Dealing With Tension Over Israel-Gaza War - ...	264
Just bouncing around	265
Yin to OMB	266
Medicare Advantage	267
UCLA History: The View in '52	269
The Health Services Committee of the Regents Will Be Back Dec. 13	270
UCLA History: From Above in 1938	272
Just a Tweet, but no explanation	273
UCLA History: Dedication of Kerckhoff Hall, 1931	275
Blackstone REIT Still Draining - Part 11	276
Yesterday's Hearing	277
UCLA History: Puddle, c1929.	279
FIRE claims victory in anti-DEI effort at UMass-Boston	280
UCLA History: Registration, 1930	281
The Forecast	282
Potential Biden Jam on Westside Late This Afternoon	284
UCLA History: Snow Day	285
The Budget as Seen by LAO	286
Neutral - Part 2	289
Union for Student Dining Hall Workers at Santa Barbara	290
Down and Up	291

UCLA History: Westwood from Lettuce Field, 1937	292
State Cash Report	293
Rats!	294
UCLA History: 5 Cents	295
The Forecast - Part 2	296
UCLA History: Saying Good-Bye, 1953	297
UCLA to be Investigated by Dept. of Education	298
Dartmouth's Example in Dealing With Tension Over Israel-Gaza War - ...	301
Aftershock of the Pac-12 dissolution	361
UCLA History: Music Makers, 1937	362
Regents vs. Senate	363
DACA Pressure	366
Student-Worker Strike Repercussions - Part 25 (still 2000)	367
That Congressional Hearing	368
Delta Breach	387
Maybe it came and went	389
AI at Berkeley	390
Tears for UC's (Now) Multi-Tiered Pension	392
UCLA and the VA	393
Watch the Regents Health Services Meeting of Dec. 13	394
Aftershock at Harvard?	396
Aftershock at Berkeley?	397
UCLA out - USC in: UCLA could eventually be drawn back in	399
UCLA History: Westwood Blvd., 1931	401
Burying the Math Requirement Controversy?	402

Don't Reply!	407
Hint: Freeze Your Credit or the Extraction from Your Wallet May Be ...	408
Our traditional offering: Nash on Claus	410
No recession stirring, but...	411
Our traditional offering: The Bootblack's Christmas	413
UCLA's Med School Has a Dartmouth Experience	414
Who's in Control? - Part 5	416
The Recording Option to Protect Against False Claims	417
Regent Sures & Los Alamos Management	419
Another UCLA real estate purchase: Westside Pavillion	420
AB 1291 Passed - Part 2	422
Again - Don't Reply - Delete	424
About Yesterday's Post on the Purchase of Westside Pavillion...	425
Swimming in Scandal - Part 10	426
It was bound to happen...	427
Inconsistent Disclaimer Policy Across UC	428
UCLA History: The Return	431
Looking Ahead	432

# Watch the afternoon Regents meeting of Sept. 20, 2023

Sunday, October 01, 2023



The afternoon session of the Regents on Wednesday, Sept. 20, 2023 consisted of three committee meetings: **Governance, Compliance and Audit**, and **Public Engagement and Development**.

The **Governance** meeting - open component - briefly approved some executive pay matters.

**Public Engagement and Development** had various topics. The most interesting was a presentation on the activities of the UC Free Speech Center which was created under former UC president Napolitano. This segment begins at around minute 11:30 at the appropriate link below and runs for about 40 minutes, followed by some Q&A.

The presentation on the general concept of free speech, particularly as it applies to government entities such as UC. Basically, the presentation came out against such concepts as broad anti-bias speech codes, heckler's vetoes, and similar developments. The presentation also went into the related, but not identical, concept of academic freedom. It was noted that this concept protected relevant speech in classrooms by instructors and suggested making it clear in external comment on controversial issues that what was being said was not an official view of the university. The presentation did not get into the issue of required DEI statements for candidates for hiring and promotions, a subject currently under litigation.

At **Compliance and Audit**, the most interesting part dealt with compliance by faculty and staff of various training requirements concerning matters such as ethics, sexual harassment, and cybersecurity. Compliance rates overall on the broad topics were generally in the 83 to 94% range, but with variations by campus. Various Regents were upset that the numbers weren't higher and wanted penalties. The charts presented bifurcated the response rates by staff and supervisors/faculty, the latter being an amorphous division.

There was grumbling that harsher penalties were not imposed for those who didn't complete their trainings. And there was a demand to break out faculty from supervisors. It should be noted that when the Regents hear "faculty," they think of ladder faculty. The large army of other instructors, many of whom are part time and/or part year, does not come to mind. But getting people who may teach part time for a quarter or semester to

undertake the various trainings may be an issue.

In any case, at no point did any Regents ask if the various trainings actually produce the desired behavioral results. What evidence do we have on that issue? Even where trainings are required by state law, it would be nice to have some evidence. Is behavior now more ethical? Is there less sexual harassment? Are computer systems more secure? (It might be noted that the big data breaches that have occurred in recent years seem to be the result of flawed system rather than of individual users.)

There was also a report pursuant to AB 481 which requires review of "military" type equipment by campus police. (Drones, for example, are considered to be "military.")

You can watch the various sessions of the afternoon of Sept. 20th at the links below:

**Governance:**

<https://ia801601.us.archive.org/35/items/regents-compliance-and-audit-9-20-23pm/Regents%20Governance%209-20-2023pm.mp4>

**Public Engagement and Development:**

<https://ia601601.us.archive.org/35/items/regents-compliance-and-audit-9-20-23pm/Regents%20Public%20Engagement%20and%20Development%209-20-23pm.mp4>

**Compliance and Audit:**

<https://ia601601.us.archive.org/35/items/regents-compliance-and-audit-9-20-23pm/Regents%20Compliance%20and%20Audit%209-20-23pm.mp4>

**General website address:**

<https://archive.org/details/regents-compliance-and-audit-9-20-23pm>

# Option B for Reading the Blog

Sunday, October 01, 2023

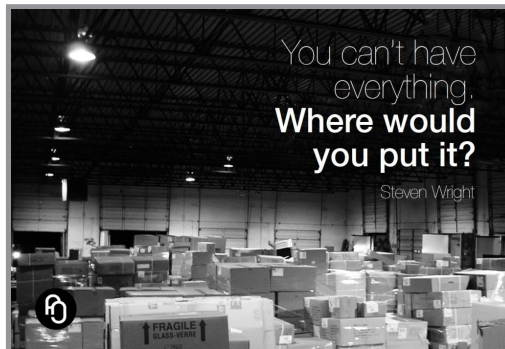


At the end of each quarter, we post the text of the blog entries of that quarter in pdf format to read on the web or downloaded.

The third quarter of 2023 is now at:

<https://archive.org/details/ucla-faculty-association-blog-3rd-quarter-2023>

In that format, of course, all videos, audios, and animated gifs are omitted. As the man says:



# The Harvard Data Manipulation Affair Continues

Monday, October 02, 2023



Prior posts have dealt with the allegations of data manipulation by a semi-celebrity faculty member of the Harvard Business School. Given that celebrity combined with the fact that some of the research in question deals with honesty (and all of that combined with the fact that the site is Harvard), the [NY Times](#) has a lengthy piece on the story:

*The day almost two years ago when Harvard Business School informed Francesca Gino, a prominent professor, that she was being investigated for data fraud also happened to be her husband's 50th birthday. An administrator instructed her to turn in any Harvard-issued computer equipment that she had by 5 p.m. She canceled the birthday celebration she had planned and walked the machines to campus, where a University Police officer oversaw the transfer. "We ended up both going," Dr. Gino recalled. "I couldn't go on my own because I felt like, I don't know, the earth was opening up under my feet for reasons that I couldn't understand." The school told Dr. Gino it had received allegations that she manipulated data in four papers on topics in behavioral science, which straddles fields like psychology, marketing and economics. Dr. Gino published the four papers under scrutiny from 2012 to 2020, and fellow academics had cited one of them more than 500 times. The paper found that asking people to attest to their truthfulness at the top of a tax or insurance form, rather than at the bottom, made their responses more accurate because it supposedly activated their ethical instincts before they provided information. Though she did not know it at the time, Harvard had been alerted to the evidence of fraud a few months earlier by three other behavioral scientists who publish a blog called Data Colada, which focuses on the validity of social science research. The bloggers said it appeared that Dr. Gino had tampered with data to make her studies appear more impressive than they were. In some cases, they said, someone had moved numbers around in a spreadsheet so that they better aligned with her hypothesis. In another paper, data points appeared to have been altered to exaggerate the finding. Their tip set in motion an investigation that, roughly two years later, would lead Harvard to place Dr. Gino on unpaid leave and seek to revoke her tenure — a rare step akin to career death for an academic. It has prompted her to file a defamation lawsuit against the school and the bloggers, in which she is seeking at least \$25 million, and has stirred up a debate among her Harvard colleagues over whether she has received due process. Harvard said it "vehemently denies" Dr. Gino's allegations, and a lawyer for the bloggers called the lawsuit "a direct attack on academic inquiry." ...*



The full story is at <https://www.nytimes.com/2023/09/30/business/the-harvard-professor-and-the-bloggers.html>.

As blog readers will know, we have in other contexts - mainly concerning Title IX procedures - emphasized the importance of following due process. It is quite possible that Harvard deviated from due process in the Gino case. High profile situations can increase pressure on administrators to do something. We'll let the litigation play out and it's quite possible Harvard will make some kind of deal to rid itself of this case.

Yours truly is not sympathetic, however, with Gino's lawsuit against the researchers who operate under the title Data Colada and who identified irregularities in her data sets. They did not say she did it. They did say there were data anomalies in papers bearing her name. Her defense seems to be that maybe there were irregularities but someone else did it or there is some other explanation. The juxtaposition of seeming anomalies and her name isn't disputed. So, at most the issue is that - perhaps - Harvard didn't follow proper procedures investigating the reported findings and in its subsequent decision making.

In any case, there is major negative fallout to the field of behavioral research. The NY Times article concludes:

***In an interview, Dr. Kahneman, the Nobel Prize winner, suggested that while the efforts of scholars like the Data Colada bloggers had helped restore credibility to behavioral science, the field may be hard-pressed to recover entirely. "When I see a surprising finding, my default is not to believe it," he said of published papers. "Twelve years ago, my default was to believe anything that was surprising."***

And there is larger fallout against higher ed more generally. The sins of behavioral science tend to be projected to unrelated fields in the minds of the general public.

# Going Up

Monday, October 02, 2023



From the Bruin: *The UC Office of the President and UCLA Chancellor Gene Block approved a 4.6% raise for Academic Senate faculty. UCOP and the chancellor's office evaluate the budget annually and decide whether to implement raises for the coming academic year. UCOP is responsible for determining faculty salary scales, and the chancellor's office is responsible for allocating salaries for faculty members who are above the upper bound of the scale, said Andrea Kasko, the chair of the UCLA Academic Senate. The UCLA-specific 4.6% increase applies to ladder-ranked faculty members with salaries above the standard scale, the Academic Personnel Office said in an emailed statement. The 2023-2024 academic year raises will go into effect Oct. 1.*

*Faculty pay scales do not vary much across campus, but many faculty members also earn varying higher salaries than set by the scale, said Kasko, who is also a bioengineering professor. The increase will also apply to Health Sciences Compensation Plan faculty, Kasko added. UC staff employees also received a 4.6% salary increase, which went into effect July 1, according to a letter from UC President Michael Drake. However, this raise does not apply to unionized staff employees, whose wages are determined by collective bargaining agreements, Drake added in the announcement. Non-senate faculty members also will not receive the raise since they are typically part of a union that negotiates their salaries separately, Kasko added in an emailed statement.*

*Senate faculty members with salaries above the pay scale needed to complete the UC Preventing Harassment and Discrimination training course to be eligible for the raise, Kasko said, adding that this is the first time a requirement like this has been implemented. The course had to be completed by Sept. 1 to receive the raise by Oct. 1, according to the announcement by Vice Chancellor of Academic Personnel Michael Levine. Faculty members who complete the course after Oct. 1 would receive the raise starting on the date they completed the course, the announcement added. Block implemented the raise for above-scale faculty members in response to the increasing cost of living in Los Angeles, the chancellor's office said in an emailed statement...*

Full story at <https://dailybruin.com/2023/09/30/uc-office-of-the-president-and-gene-block-approve-academic-senate-faculty-raise>.

# The Duke Data Manipulation Branch of the Harvard Data Manipulation ...

Tuesday, October 03, 2023



Much of the media attention concerning the behavioral science data manipulation affair has focused on Harvard. But there is a branch - which is the focus of a lengthy ( very, very lengthy) - New Yorker article that recently appeared.

The story is the similar. "Interesting" results turned an academic into a celebrity, until the Data Colada folks began to take a look. Now there is a university investigation of Dan Ariely at Duke, although so far no lawsuits.

Excerpts:

*The half-bearded behavioral economist Dan Ariely tends to preface discussions of his work—which has inquired into the mechanisms of pain, manipulation, and lies—with a reminder that he comes by both his eccentric facial hair and his academic interests honestly. He tells a version of the story in the introduction to his breezy first book, "Predictably Irrational," a patchwork of marketing advice and cerebral self-help. One afternoon in Israel, Ariely—an "18-year-old military trainee," according to the Times—was nearly incinerated. "An explosion of a large magnesium flare, the kind used to illuminate battlefields at night, left 70 percent of my body covered with third-degree burns," he writes...*

Note: But this origin story apparently is not quite true.

*Ariely came to owe his reputation to his work on dishonesty. He offered commentary in documentaries on Elizabeth Holmes and pontificated about Enron. As Remy Levin, an economics professor at the University of Connecticut, told me, "People often go into this field to study their own inner demons. If you feel bad about time management, you study time inconsistency and procrastination. If you've had issues with fear or trauma, you study risk-taking." Pain was an obvious place for Ariely to start. But his burn scars heightened his sensitivity to truthfulness. Shane Frederick, a professor at Yale's business school, told me, "One of the first things Dan said to me when we met was 'Would you ever date someone who looked like me?' And I said, 'No fucking way,' which was a really offensive thing to say to someone—but it weirdly seemed to charm Dan."*

*From that moment, Frederick felt, Ariely was staunchly supportive of his career. At the same time, Ariely seemed to struggle with procedural norms, especially when they seemed pointless. Once, during a large conference, John Lynch, one of Ariely's mentors, was rushed to the hospital. Ariely told me that only family members were allowed to visit. He pretended that his scarring was an allergic reaction and, once he was admitted, spent the night by Lynch's side. In his telling, the nurse was in on the charade. "We were just going through the motions so that she could let me in," he told me. But a business-school professor saw it differently. "Dan was seen as a hero because he had this creative solution," she said. "But the hospital staff, even though they knew this wasn't a real allergic reaction, weren't allowed to not admit him. He was just wasting their time because he felt like he shouldn't have to follow their rules." ...*

*At talks, [Ariely] wore rumpled polos and looked as though he'd trimmed his hair with a nail clipper in an airport-lounge rest room. He has said that he worked with multiple governments and Apple. He had ideas for how to negotiate with the Palestinians. When an interviewer asked him to list the famous names in his phone contacts, he affected humility: "Jeff Bezos, the C.E.O. of Amazon—is that good?" He went on: the C.E.O.s of Procter & Gamble and American Express, the founder of Wikipedia. In 2012, he said, he got an e-mail from Prince Andrew, who invited him to the palace for tea. Ariely's assistant had to send him a jacket and tie via FedEx. He couldn't bring himself, as an Israeli, to say "Your Royal Highness," so he addressed the Prince by saying "Hey." ...*

*Ariely and [Francesca] Gino [of Harvard] frequently collaborated on dishonesty. In the paper "The Dark Side of Creativity," they showed that "original thinkers," who can dream up convincing justifications, tend to lie more easily. For "The Counterfeit Self," she and Ariely had a group of women wear what they were told were fake Chloé sunglasses—the designer accessories, in an amusing control, were actually real—and then take a test. They found that participants who believed they were wearing counterfeit sunglasses cheated more than twice as much as the control group. In "Sidetracked," Gino's first pop-science book, she seems to note that such people were not necessarily corrupt: "Being human makes all of us vulnerable to subtle influences." ...*

*Near the end of Obama's first term, vast swaths of overly clever behavioral science began to come unstrung. In 2011, the Cornell psychologist Daryl Bem published a journal article that ostensibly proved the existence of clairvoyance. His study participants were able to predict, with reasonable accuracy, which curtain on a computer screen hid an erotic image. The idea seemed parodic, but Bem was serious, and had arrived at his results using methodologies entirely in line with the field's standard practices. This was troubling.*

*The same year, three young behavioral-science professors—Joe Simmons, Leif Nelson, and Uri Simonsohn—published an actual parody: in a paper called "False-Positive Psychology," they "proved" that listening to the Beatles song "When I'm Sixty-Four" rendered study participants literally a year and a half younger. "It was hard to think of something that was so crazy that no one would believe it, because compared to what was actually being published in our journals nothing was that crazy," Nelson, who teaches at U.C. Berkeley, said. Researchers could measure dozens of variables and perform reams of analyses, then publish only the correlations that happened to appear "significant." If you tortured the data long enough, as one grim joke went, it would confess to anything. They called such techniques "p-hacking." As they later put it, "Everyone knew it was wrong, but they thought it was wrong the way it's wrong to jaywalk." In fact, they wrote, "it was wrong the way it's wrong to rob a bank."*

*The three men—who came to be called Data Colada, the name of their pun-friendly blog—had bonded over the false, ridiculous, and flashy findings that the field was capable of producing. The discipline of judgment and decision-making had made crucial, enduring contributions—the foundation laid by Kahneman and Tversky, for example—but the broader credibility of the behavioral sciences had been compromised by a perpetual-motion machine of one-weird-trick gimmickry. Their paper helped kick off what came to be known as the “replication crisis.” Soon, entire branches of supposedly reliable findings—on social priming (the idea that, say, just thinking about an old person makes you walk more slowly), power posing, and ego depletion—started to seem like castles in the air. (Cuddy, the H.B.S. professor, defended her work, later publishing a study that showed power posing had an effect on relevant “feelings.”) Some senior figures in the field were forced to consider the possibility that their contributions amounted to nothing.*

*In the course of its campaign to eradicate p-hacking, which was generally well intended, Data Colada also uncovered manipulations that were not. The psychologist Lawrence Sanna had conducted studies that literalized the metaphor of a “moral high ground,” determining that participants at higher altitudes were “more prosocial.” When Simonsohn looked into the data, he found that the numbers were not “compatible” with random sampling; they had clearly been subject to tampering. (Sanna, at the time, acknowledged “research errors.”) Simonsohn exposed similar curiosities in the work of the Flemish psychologist Dirk Smeesters. (Smeesters claimed that he engaged only in “massaging” data.) The two men’s careers came to an unceremonious end. Occasionally, these probes were simple: one of the first papers that Data Colada formally examined included reports of “-0.3” on a scale of zero to ten. Other efforts required more recondite statistical analysis. Behind these techniques, however, was a basic willingness to call bullshit. Some of the papers in social psychology and adjacent fields demonstrated effects that seemed, to anyone roughly familiar with the behavior of people, preposterous: when maids are prompted to think of their duties as exercise, do they really lose weight? ...*

*Ariely maintained that the [Ten Commandments] study had been conducted at U.C.L.A., by a professor named Aimee Drolet Rossi.\* When I spoke to Rossi, she told me that she had never participated in the study: “I thought, well, first, what a joke! I don’t believe that study, and I certainly didn’t run it.” U.C.L.A. issued a statement saying that the study hadn’t taken place there. Last year, Ariely, having learned that an Israeli television program was investigating the case, wrote to Rossi, “Do you remember who was the RA that was running the data collection sessions in 2004 and 2005?” Rossi replied, “There was none. That’s the point.” Ariely says that the study took place, and it’s possible that it did, in some form. He told me he now remembers that the surveys were collected at U.C.L.A. but processed by an assistant at M.I.T., which might explain the mixup. He could not provide the assistant’s identity...*

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*\*Refers to a study in which asking people about the Ten Commandments supposedly made them more honest.*

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*[Data Colada participant] Joe Simmons has been working on a blog post, which Data Colada will probably never publish, called “The Fraud Is Not the Story.” He notes, at the outset, that there is “a very large body of behavioral research that is true and important.” But, he says, there is also a lot of work that is “completely divorced from reality,*

*populated with findings about human beings that cannot be true.” In the past few years, some eminent behavioral scientists have come to regret their participation in the fantasy that kitschy modifications of individual behavior will repair the world... “This is the stuff that C.E.O.s love, right?” Luigi Zingales, an economist at the University of Chicago, told me. “It’s cutesy, it’s not really touching their power, and pretends to do the right thing.” ...*

*The Data Colada guys have always believed that the replication crisis might be better understood as a “credibility revolution” in which their colleagues would ultimately choose rigor. The end result might be a field that’s at once more boring and more reputable. That sanguine attitude has been tested by a cascade of corruption. In the weeks after the Gino revelations, some of her co-authors have audited their work, although Gino did not provide original data files for comparison. They wanted to figure out who had collected and analyzed which data, and to exonerate the innocent—especially young people, whose work for the job market or tenure might have been fatally tainted. In one paper, which had several co-authors, data of the apparently unnatural variety were newly uncovered. Although the details aren’t fully clear, Gino seems to have had nothing to do with it. The data may have been altered by another professor. The suspicions have been reported to the university.*

Full story at <https://www.newyorker.com/magazine/2023/10/09/they-studied-dishonesty-was-their-work-a-lie>.

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Note: The Data Colada blog is at <https://datacolada.org/>.

## In case you forgot, she was a Regent

Tuesday, October 03, 2023



The new California US Senator appointed by Gov. Newsom was formerly a UC Regent, appointed in 2018 by Jerry Brown and resigned in 2021.

Below is her biography from the Regents' website as a Regent-Emerita:

*Laphonza Butler is the president of EMILY's List, the nation's largest resource for women in politics, where she leads the organization's efforts to elect Democratic pro-choice women across the county, up and down the ballot. Prior to joining EMILY's List, Butler was the director for Public Policy and campaigns at Airbnb. In 2019 and 2020, she was also a partner at SCRB Strategies, a firm specializing in complex communications challenges for political campaigns, companies, and organizations. For more than a decade, she also served as the president of SEIU Local 2015, a union representing more than 325,000 nursing home and home-care workers throughout California. SEIU Local 2015 is the largest union in California and the largest long-term care local in the country.*

*Previously, Ms. Butler served for seven years as President of SEIU United Long Term Care Workers (ULTCW) and also as SEIU's Property Services Division Director in which she was responsible for the strategic direction of the more than 250,000 janitors, security officers, window cleaners, and food service workers across the country. Ms. Butler also served as an SEIU International Vice President and president of the SEIU California State Council.*

*Additionally, she has served as a board member for the National Children's Defense Fund, BLACK PAC and the Bay Area Economic Council Institute. She was a fellow for the MIT Community Innovators Lab, and was the former director for the Board of Governors of the Los Angeles branch of the Federal Reserve System.*

*Ms. Butler received a BA in Political Science from Jackson State University. She was appointed to the Board in August, 2018 by Governor Jerry Brown for a 12 year term ending in 2030, and resigned from her appointment in September 2021.*

Source:

<https://regents.universityofcalifornia.edu/about/members-and-advisors/bios/laphonza-butler.html>.



# Possible UC union amalgamation

Tuesday, October 03, 2023



According to the X (Twitter) accounts of two of the local UAW unions involved in the big UC student-worker strike and settlement, are holding membership votes on whether to amalgamate and form a single local during the period October 10-20.

Local 5810 represents postdocs and researchers. Local 2865 represents student workers such as TAs.

Presumably, the thought is that there would be more bargaining power in a combined local with a unified strategy.

The relevant tweets are at:

<https://twitter.com/UAW5810/status/1707187311287631916>

and

<https://twitter.com/uaw2865/status/1707188469993500895>.

# Two Regents Committees Meet on Oct. 11, 2023

Wednesday, October 04, 2023



Both the Regents' Health Services Committee and the Special Committee on Athletics are due to meet on Wednesday, Oct. 11th at UC-San Francisco:

## **Agenda: Wednesday, October 11, 2023**

Time: 10:00 a.m.

Location: Fisher Banquet Room West

UCSF-Mission Bay Conference Center, San Francisco Campus

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10:00 am **Health Services Committee** - (open session - includes public comment)

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Upon end of open session:

**Health Services Committee** - (closed session)

Action: Approval of the Minutes of the Meetings of July 19 and August 9, 2023

H1(X) Discussion: Acute Care Hospital Lease Affiliation, UC San Diego Health, San Diego Campus

H2(X) Discussion: UC Health Litigation Update

H3(X) Discussion: Incentive Compensation Using Health System Operating Revenues for Fiscal Year 2022-23 for Executive Vice President – UC Health, Office of the President

Upon end of closed session:

**Health Services Committee** - (open session)

H3 Action Approval of Incentive Compensation Using Health System

Operating Revenues for Fiscal Year 2022-23 for Executive Vice President – UC Health, Office of the President as Discussed in Closed Session

H4 Discussion: Medical Options at the University of California for Victims of Sexual Assault

H5 Discussion: Affiliations with Organizations with Policy-based Restrictions on Care

*This item essentially refers to Catholic hospitals with restrictions on services such as abortion.*

H6 Discussion: Update on Medical Licenses for Residents and Fellows

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2:30 pm **Special Committee on Athletics** - (open session)

Public Comment Period (30 minutes)

S1 Discussion: Committee Charter, Advisory Members, and Future Items

S2 Discussion: Overview of University of California Athletics Delegations of Authority

S3 Discussion: Strategic Campus Athletics Overview: UC Davis & UC Irvine

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Source: <https://regents.universityofcalifornia.edu/meetings/agendas/oct112023.html>.

# Another DEI Higher Ed Lawsuit in California

Wednesday, October 04, 2023

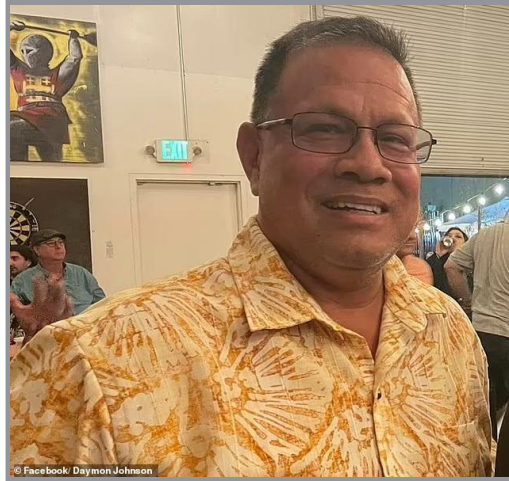


A third lawsuit regarding DEI statements at California higher ed institutions was profiled in Inside Higher Ed yesterday. This one is at a community college. The other two are at a community college and a UC campus. As we have suggested, the likely outcome of these lawsuits - and others that may be filed - is that the DEI required statements will be watered down, much as the old loyalty oath of the 1950s was watered down into a bland pledge to support the state constitution.

*Two lawsuits filed by California community college professors take aim at rules recently instituted by the state's community college system intended to ensure employees uphold diversity, equity, inclusion and access principles. The professors say the rules infringe on their First Amendment rights and require them to incorporate ideologies they don't support in their work or risk losing their jobs. District and system leaders argue the regulations don't curtail professors' free speech and are a valid expression of the system's values as it tries to better serve a diverse student body.*

*The rules, which were proposed by the chancellor's office and took effect in the spring, set "a DEIA competency and criteria framework that can serve as a minimum standard for evaluating all California Community College employees," according to a May 2023 memorandum from system leaders offering guidance on the rules. Districts have until Oct. 13 to incorporate the rules into their own employee review policies. The chancellor's office published three guidance documents to demystify the regulatory changes, including a list of criteria for employees to meet the standards, an explanation of how these principles can be incorporated into the classroom and a glossary of relevant terms, including words such as "intersectionality" and "antiracism."\*\**

*"The evaluation of district employees must include consideration of an employee's demonstrated, or progress toward, proficiency in diversity, equity, inclusion, and accessibility ... competencies that enable work with diverse communities," the memo reads. "District employees must have or establish proficiency in DEIA-related performance to teach, work, or lead within California community colleges." The lawsuits taking issue with the rules quickly emerged. One was filed by a Bakersfield College professor and another by a group of professors working at colleges in the State Center Community College District in the Fresno area.*



*Daymon Johnson, a history professor at Bakersfield College, represented by the Institute for Free Speech, an advocacy organization, filed an amended lawsuit against Bakersfield College and Kern Community College District administrators in June alleging they penalized him and other professors for espousing conservative political and social values and chilled his free speech. The lawsuit suggests college and district leaders were acting on the system’s mandate and asks that administrators be prevented from investigating or disciplining Johnson for expressing his opinions and that the systemwide rules be struck down as unconstitutional.*

*Johnson is the faculty lead for the Renegade Institute for Liberty, which describes itself as a faculty coalition at Bakersfield College “dedicated to the free speech, open inquiry, critical thinking to advance American ideals within the broader Western tradition of meritocracy, individual agency, civic virtue, liberty of conscience and free markets.” His predecessor in that role, Matthew Garrett, was fired from Bakersfield in April. Garrett believed he was terminated for expressing right-leaning views. Administrators denied this and charged him with a list of offenses outlined in a lengthy report, including “immoral” and “unprofessional” conduct, “dishonesty,” and “unsatisfactory performance.”*

*Johnson wrote in a declaration to the U.S. District Court for the Eastern District of California that the Kern Community College District investigated a colleague’s complaint about a comment he posted on the institute’s Facebook page, causing him to have retired professors take over managing the page. “Fearing retribution by Bakersfield College officials should I speak my mind on social and political matters, I self-censor,” Johnson said in his declaration.*

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Note: The case is at <https://www.ifs.org/wp-content/uploads/2023/06/001-0-complaint.pdf>

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*Alan Gura, lead counsel and vice president for litigation at the Institute for Free Speech, said it’s already “concerning when you have a college professor who is afraid for his job because the school has decided that ... making political statements, speaking one’s mind is suddenly considered to be unprofessional conduct, qualified grounds for termination,”*

*but the systemwide rules show “the school adopting an official ideology where everything must be conformed to this new religion DEI,” which he called a “political cult.”*

*A spokesperson for the Kern Community College District said Johnson’s claims are “without merit.” ...*

[The article then goes on to describe other lawsuits including one against Florida's "Stop WOKE Act."]

*The Florida law would make it so that “professors can’t teach antiracism, intersectionality, these concepts,” while the California community college system’s DEIA rules insist they do... “The state of California or the state of Florida can’t come in and force professors to endorse their viewpoint or ban them from expressing ideas to the contrary. That’s really what it’s about.”*

Full story at <https://www.insidehighered.com/news/diversity/race-ethnicity/2023/10/03/california-community-college-professors-sue-over-dei-rules> [also UC Daily News Clips 10-3-23]

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\* <http://uclafacultyassociation.blogspot.com/2023/09/sturm-und-drang.html>;  
<http://uclafacultyassociation.blogspot.com/2023/08/more-on-loyalty-oaths.html>;  
<http://uclafacultyassociation.blogspot.com/2023/05/diversity-lawsuit.html>;  
<http://uclafacultyassociation.blogspot.com/2023/08/uc-history-loyalty-oath.html>.

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\*\*Whatever the merits are in these situations, university administrators would do well to avoid academic in-speak. It's not the way people talk except in narrow circles. When it's parodied on otherwise non-political national TV, you know you have a problem:

Or direct to <https://www.youtube.com/watch?v=VSw72ju6h0Q>.

# Watch the Regents Meeting of Sept. 21, 2023

Thursday, October 05, 2023



We are catching up with the Regents meeting of Sept. 21, 2023 - two weeks after the fact to be sure.

Public comments covered graduate student housing, student rape kits, the upcoming plan for UC to hire undocumented students, pension contributions, staff pay, and Black student recruitment and a proposed endowment for Black students. In addition, as blog readers will know, yours truly was able to announce a three-part resolution to the problem of improper survivor cancellations under the UC retiree health plan.\*

After public comments, Regent Leib previewed later topics including the report from the Entrepreneurship committee. Student leaders talked about the proposed Black student endowment and problems of disabled students, notably regarding safety in student housing.

Later in the day, there was a report on artificial intelligence. Behind closed doors, there was discussion of the continuing issue of the departure of UCLA to the Big Ten and UC-Berkeley to the ACC. So far, no one has leaked substantial information about what went on in those discussions. But the new committee dealing with athletics concerns will be meeting later this month, so some further information may come out of that event.

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As always, we preserve recordings of Regents meetings since the Regents have no current policy on preservation. You can watch the Regents meetings of Sept. 21 at the links below:

## **Initial full board:**

<https://ia801407.us.archive.org/26/items/regents-board-9-21-2023am/Regents%20Board%209-21-2023am.mp4>

## **All other open sessions:**

<https://ia801407.us.archive.org/26/items/regents-board-9-21-2023am/Regents%20Special%20Committee%20on%20Innovation%20Joint%20Meeting>

[\\_%20Academic%2C%20Finance%209-21-2023.mp4](#)

**General website for Sept. 21:**

[https://archive.org/details/regents-board-9-21-2023am.](https://archive.org/details/regents-board-9-21-2023am)

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\* [https://uclafacultyassociation.blogspot.com/2023/09/survivor-insurance-3-fixes-are-in-part.html.](https://uclafacultyassociation.blogspot.com/2023/09/survivor-insurance-3-fixes-are-in-part.html)



## Eroding Edifice

Thursday, October 05, 2023



The unpaid student-athlete-amateur edifice is eroding. Over the years, we have noted attempts through litigation to acquire pay for athletes, at least in the sports that make money. The first big crack was the US Supreme Court's decision allowing payments for NIL (name-image-likeness).

Now the NLRB may play a role, even for public universities that are part of athletic conferences (which are private). From [USA-Today Sports/Front Office Sports](#):

*Yet another complaint has been filed with the National Labor Relations Board aimed at ending the NCAA's amateurism model. On Tuesday, a college athlete advocacy group called the College Basketball Players Association filed a charge with the NLRB against the Ivy League, Front Office Sports has learned. **The charge alleges the conference has misclassified athletes as amateurs, rather than professionals. While there are several other charges currently pending at the NLRB related to college athlete compensation rights, this is the first one filed solely against a conference.** Unlike the petition filed against Dartmouth in September, this case is not a unionization petition. But if advocates win, the case would have a similar outcome: granting athletes employment status under U.S. labor law. "The Ivy League is a Division I conference of private schools that doesn't allow athletic scholarships," CBPA founder and former Minnesota regent Michael Hsu told FOS. "They have existed as long as the term 'student-athlete' has been around. This misclassification is 70 years old and needs to be looked at thoroughly." The Ivy League is the only D-I conference that prohibits athletic scholarships — a controversial policy that is currently the subject of an antitrust lawsuit. Hsu filed similar charges against Dartmouth (inspired by the players' petition to unionize) and Northwestern (inspired by the football mistreatment scandal), and the NCAA. Another group called the National College Players Association is a month away from a trial against USC, the Pac-12, and the NCAA on the same question for D-I football and basketball players. In 2014, Northwestern football players attempted to unionize in the same way that Dartmouth basketball players are now. But their case was decided on a technicality: that the NLRB, which has jurisdiction over the private sector, couldn't make a decision that would impact public schools. Therefore, the board decided not to rule in order to maintain a sense of parity across the higher education landscape. **By targeting conferences and the NCAA in addition to schools, advocates hope to invoke the "joint employer" doctrine. They're inviting the NLRB rule that multiple entities employ college athletes — including private entities like conferences — which are under the NLRB's purview.** These cases could take a year or more to reach an outcome. But they have a better chance of succeeding than others given the current political climate at the NLRB. The flurry of cases aimed at attacking amateurism have come at the invitation of the NLRB's General Counsel, Jennifer*

*Abruzzo. In 2021, Abruzzo published a memo stating she believed many college athletes should be considered professionals under labor law.*

*The Ivy League declined to comment .*

Source: <https://frontofficesports.com/advocacy-group-files-federal-labor-charge-against-ivy-league/>.

# No Recession

Thursday, October 05, 2023



It's official: No recession is imminent. From the news release of the UCLA Anderson Forecast which met yesterday:

*For three consecutive quarters, the UCLA Anderson Forecast presented two potential scenarios for the U.S. and California economies. One path anticipated aggressive inflation-fighting action by the Federal Reserve that would push the economy into a mild, near-term recession, the other allowed for less impact from the Fed's interest rate increases that would result in a slowing economy and no recession. While many economists held fast to a recession prediction, the UCLA Anderson Forecast viewed it as a 50-50 proposition.*

*In the latest U.S. report, the UCLA Anderson Forecast foresees a weak economy in 2024, followed by a return to trend growth rates, albeit below trend GDP levels, in 2025.*

*But no recession.*

*In California, the forecast narrative is much the same. Throughout 2023, the state's economy stood at a fork in the road similar to that of the nation, and the possibility of a short-term recession loomed. But the state's economy keeps chugging along, thanks in part to consumers who want to spend and stimulative fiscal policy. As in the national forecast, the current UCLA Anderson Forecast for California sees no recession in the near term...*

Full release at <https://www.anderson.ucla.edu/news-and-events/press-releases/no-recession-ucla-anderson-forecast-foresees-weak-us-economy-2024>.

A personal interpretation. The most unusual post-pandemic characteristic of the economy has been the strength of the labor market. Even when real GDP has dropped, once we got past the shutdown, there have been chronic labor shortages and low unemployment rates. There could be several reasons for the shortage. But note that when you start from a labor shortage, a negative shock to the economy (as occurs when the Federal Reserve

raises interest rates), mainly expresses itself in "laying off" vacancies rather than real workers. So, the labor market will appear very resilient and resistant to shocks - which is what happened.

The labor shortage in part reflected the aftermath of the pandemic. It appears that older workers, who were close to retirement, in effect took early retirement and did not return to the labor market. Moreover, there have been changes over time in the composition of jobs that are available, notably in "gig" work such as Uber and Lyft drivers. Gig workers share in the revenue collected; that is how they are paid. So anyone with a drivers license - and who Google determines is not a axe murderer - has a standing job offer available. (Even if you don't have a car, Uber and Lyft will arrange to lease you one.) You can drive people around and make whatever that effort yields. There is a standing job on offer.

Of course, there have always been folks who work on revenue sharing, e.g., real estate agents, various sales workers on commission, etc. But the gig labor market has substantially expanded.

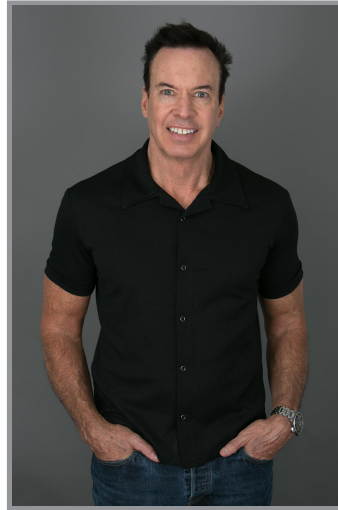
Beyond the gig story, there are other changes that have accrued over time in the labor market which make chronic labor shortages (always available job openings) more likely, as my colleague Chris Erickson and I analyzed some time back:

<https://ia802707.us.archive.org/10/items/selected-papers-mitchell/2007%20Monopsony%20as%20a%20metaphor%20for%20the%20emerging%20post-union%20labour%20market.pdf>

We argued that the weakening and decline of labor unions leads to the kind of chronic seeming labor shortages that we have seen in recent years. It's true that in the past year or so, there has been a rise in labor union activity, e.g., the Hollywood strikes. But unionization in the private sector is currently very low, despite the headlines. Of course, that situation could change. However, within the time frame covered by the UCLA forecast - typically a couple of years - a dramatic change is unlikely.

## Another Pretendian - This One on the Regents?

Friday, October 06, 2023



Blog readers will recall our posting about faculty who had claimed to have Native American heritage and quit (maybe under duress due to the claim) when it turned out they didn't.\* We noted at the time some complications that could arise in such cases under Prop 209, the state constitutional amendment banning racial preferences. At the political level, however, no such ban applies, as Governor Newsom's promise to select a Black woman for a US senate appointment showed recently.

Newsom also appointed a Regent who claims Native American heritage to the Board of Regents, Greg Sarris (who at one point taught at UCLA). But now questions have arisen. From Capitol Weekly:

*An esteemed author and scholar as well as a long-time tribal leader, Greg Sarris would seem to be a natural fit on the UC Board of Regents. Sarris, 71, taught English and writing at three California universities, UCLA, Loyola Marymount and Sonoma State, for more than 30 years and authored several well-regard books, including Grand Avenue, a collection of short stories that was adapted into an HBO miniseries co-executive produced by Robert Redford. In 2020, he was elected to the American Academy of Arts & Sciences.*

*His leadership of the Federated Indians of Graton Rancheria in Northern California has been no less impressive. Sarris is credited with securing federal recognition of the tribe in 2000, then leading it to build the ultra-successful Graton Resort & Casino in the Bay Area with the help of the ubiquitous Las Vegas gaming chain Station Casinos. He's currently serving his 16th term as tribal chairman. So, it was no surprise to see in late June that Gov. Gavin Newsom would appoint someone of Sarris' stature and prominence to the Board of Regents. With that record, his confirmation by the Senate would seem to be a no brainer.*

*But scratch below the surface and you'll find that Sarris has led such a controversial life that he could face scrutiny when his appointment is reviewed sometime next year. For starters, Sarris has been dogged for years by allegations that he's not actually Native*

*American, including in a 2011 story in Capitol Weekly...*

*Meanwhile, Donald Craig Mitchell, a California-educated attorney who once served as a former vice president and general counsel for the Alaska Federation of Natives, has accused Sarris of not only tricking Congress into recognizing his tribe and granting it gaming rights, but of also making up the very idea of the Federated Indians of Graton Rancheria to begin with.*

*"Other than in Greg Sarris' imagination," Mitchell wrote in his 2016 book, *Wampum: How Indian Tribes, the Mafia, and an Inattentive Congress Invented Indian Gaming and Created a \$28 Billion Gambling Empire*, the tribe "had never existed."*

*But perhaps most glaring was Sarris' tortured relationship with Sonoma State, where he taught for 16 years, until 2021.*

*Under Sarris' leadership, the Federated Indians of Graton Rancheria donated \$1.5 million to Sonoma State in 2003 to endow a chair in Native American studies – or, well, Station Casinos advanced the money to the university for the tribe, which at the time was still trying to get its own casino up and running. Who do you suppose Sonoma State eventually chose for the Federated Indians of Graton Rancheria Endowed Chair in Creative Writing and Native American Studies? Why, Greg Sarris, the chairman of the Federated Indians of Graton Rancheria, of course...*

*Sarris has refused to take a DNA test of his own, saying he'll only do so if his tribe permits it, and the federal Bureau of Indian Affairs insists that sovereign tribes determine their own membership...*

Full story (there is much, much more) at <https://capitolweekly.net/questions-dog-new-uc-board-of-regents-appointee/>.

It's hard to believe that whoever does the research on possible appointments for the governor could have been aware of this background. After all, Newsom is in the midst of his I-am-not-running-for-president campaign. But there is always the simple explanation:

**"I used to believe in conspiracies until I discovered incompetence."**

**-Former L.A. councilwoman Ruth Galanter**



=== \* <https://uclafacultyassociation.blogspot.com/2023/09/be-careful-about-pushing-faculty-out.html>.

## Two MacArthur Fellows at UCLA

Friday, October 06, 2023



From CBS/KCAL: *Two UCLA professors were among 20 MacArthur Fellows announced Wednesday. MacArthur Fellows each receive an \$800,000, no-strings-attached award - - commonly dubbed a "genius grant" -- which is intended as an investment in their creativity and potential rather than a lifetime achievement prize. "The 2023 MacArthur Fellows are applying individual creativity with global perspective, centering connections across generations and communities," Marlies Carruth, the MacArthur Foundation's Fellows director, said in a statement.*

*"They forge stunning forms of artistic expression from ancestral and regional traditions, heighten our attention to the natural world, improve how we process massive flows of information for the common good, and deepen understanding of systems shaping our environment."*

***UCLA law professor and legal scholar E. Tendayi Achiume, 41, was tabbed for her work "reframing foundational concepts of international law at the intersection of racial justice and global migration."***

*"In her scholarship, Achiume envisions more ethical ways of governing the movement of people across borders in an effort to address the past and ongoing harms of colonial systems of power," according to the foundation. Achiume earned bachelor's and law degrees at Yale University, and she joined the UCLA School of Law in 2014. She also serves as a visiting professor at the Stanford School of Law.*

*Achiume is also a research associate with the African Centre for Migration and Society at the University of Witwatersrand (South Africa), and a research associate with the Refugee Studies Center at the University of Oxford. Earlier in her career, she worked as a legal clerk in the Constitutional Court of South Africa.*



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**A. Park Williams, a 42-year-old hydroclimatologist, is an associate professor in the UCLA Department of Geography studying the impacts of climate on water systems.**

*"Williams uses statistical analysis of climate data, reconstructions of past ecosystem behavior, and detailed understanding of plant ecology to unravel the feedback between atmospheric (temperature, air moisture) and land (water availability, soil moisture, vegetation responses) processes," according to the foundation. "His research is providing new insight into how climate change influences drought, wildfires, and tree mortality."*

*Williams received a bachelor's degree from UC Irvine and then a master's and doctorate from UC Santa Barbara, where he also worked as a postdoctoral researcher. He also spent time at the Los Alamos National Laboratory in New Mexico and was a research professor at the Lamont-Doherty Earth Observatory of Columbia University.*

*UCLA Chancellor Gene Block issued a statement hailing the work of both honorees.*

*"The transformative work that is being done by our brilliant and inspiring scholars, Park Williams and E. Tendayi Achiume, exemplifies Bruin values of service and a commitment to applied research," Block said. "The MacArthur Fellowships recognize the significance of these faculty members' contributions thus far and signal that they have much more to share with the world."*

*The foundation, which has awarded 1,131 fellowships since 1981, uses three criteria for selection: exceptional creativity, promise for important future advances and potential for the fellowship to support creative work. The foundation "supports creative people, effective institutions, and influential networks building a more just, verdant, and peaceful world."*

Source: <https://www.cbsnews.com/losangeles/news/two-ucla-professors-among-2023-macarthur-fellows/>.



# Blackstone-REIT Still Draining - Part 9

Saturday, October 07, 2023



We continue to follow what is happening to the Blackstone Real Estate Income Trust's slow motion run on the bank. In September, those who wanted to withdraw their funds got 29 cents per each \$1 request.

As blog readers will know, UC's chief investment officer suddenly invested \$4.5 billion in the BREIT in return for a promised high return. We noted the apparent risks entailed - financial and legal - but only one Regent ever raised much question about those risks. PR releases by the BREIT keep noting that demands for withdrawal are dropping over time. But presumably this dropping occurs because those who wanted out are gradually able to get out.

*Redemption requests for Blackstone Real Estate Income Trust's (BREIT) fund dropped for the fifth consecutive month in September. BREIT said in a letter to stockholders that it received \$2.1B in redemption requests in September, a 28% drop in requests over the amount investors sought to pull out of the \$67B fund in August. "We were pleased to see September repurchase requests decline meaningfully from the January peak to the lowest level since October 2022," Blackstone said, in a statement provided to Globe St. BREIT fulfilled \$625M, or about 29% of the amount investors requested in September...*

Full story at <https://www.globest.com/2023/10/03/blackstone-fund-redemption-requests-keep-dropping/>.

# UCLA's Connection to the Santa Monica Civic Offers an Opportunity -...

Saturday, October 07, 2023



Politics in Santa Monica is disproportionately complicated, given that the city's population is only about 92,000. The latest brouhaha concerns selling the Civic Auditorium which has been closed for years due to a need for seismic upgrades. Two proposals to buy it from the City have fallen through amidst controversy.

The Civic was designed by the well-known LA architect, Welton David Becket (1902-1969). His son, recently interviewed in the [Santa Monica Mirror](#), revealed a connection of the building to UCLA:



Knudsen

*"The concrete floor of the Civic was innovative for its time, mounted on hydraulic lifts so that the tilt could be adjusted, creating tiered seating for traditional theatre and flat for exhibitions and athletic events," notes Becket. "My dad brought on the famous acoustics expert Vern Knudsen to design superior acoustics to attract top-tier talent. Knudsen was also a UCLA physics professor and Chancellor."\**

It might be noted that so far two offers to buy the Civic, one from a community group and one from the Santa Monica-Malibu Unified School District, have fallen through. UCLA has been buying property far from Westwood in downtown LA and Palos Verdes, trying to satisfy the demands of the legislature and governor to expand undergraduate enrollment. If UCLA bought the Civic, it could put student housing in the adjacent lot which might meet the state requirements facing the City to build a quota of affordable housing, the so-called RHNA requirements. Presumably, student housing would be 100% affordable. The auditorium could then be used for university athletic purposes, thanks to Knudsen's innovative adjustable floor, or for cultural events.

Santa Monica is far more accessible to Westwood than is downtown LA or Palos Verdes. Public buses run regularly from Santa Monica to UCLA. In the distant future, there are plans to extend the subway now being built to terminate in Westwood/VA all the way to Santa Monica, the "subway to the sea."

The site is also near Santa Monica Community College which is a source of transfer students and near UCLA Santa Monica hospital.

Just a thought...

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\* <https://smmirror.com/2023/10/s-m-a-r-t-column-architects-son-reflects-on-civic-auditorium/>. On Knudsen, see [https://en.wikipedia.org/wiki/Vern\\_Oliver\\_Knudsen](https://en.wikipedia.org/wiki/Vern_Oliver_Knudsen).

# Will Starbucks' Labor Controversy Come to UCLA?

Sunday, October 08, 2023



From Inside Higher Ed: *Generation Z isn't happy with Starbucks' labor practices, and some college students are showing their displeasure by doing more than just skipping their morning cold brew—they're actively trying to get Starbucks-branded cafes removed from their campuses.*

*Student activists at more than 50 universities across the country are pushing administrators to end contracts with the Seattle-based coffee chain in protest of the company's response to employee unionization. Starbucks workers began organizing in late 2021 in the hopes of receiving higher wages, better benefits and more security for those benefits. Since then, the National Labor Relations Board has accused Starbucks of hundreds of labor-rights violations, including firing pro-union employees and shutting down unionized locations. Starbucks, once known for its progressive politics and above-average benefits, has denied store closures or firings had anything to do with unionization efforts.*

*One group of activists has already succeeded in their mission: students at Cornell University received official word from President Martha E. Pollack in August that the Ivy League institution will not renew its contract with Starbucks when it comes up in 2025...*

Full story at <https://www.insidehighered.com/news/business/physical-campuses/2023/10/05/student-protesters-fight-remove-starbucks-campuses>.

So, what about UCLA? Of course, there are several Starbucks locations near campus in the Westwood area. But, there is one location on campus, as a bit of web searching will reveal. It's just sufficiently obscure to most students so that they don't know where it is. But it's in "Cafe Med" whose street address is 10888 Le Conte Ave. Apparently, it's a franchise within a franchise.



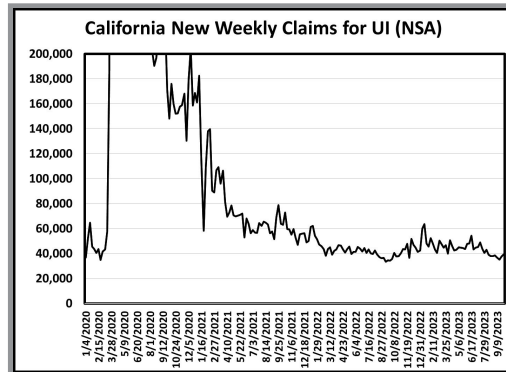
10888 Le Conte Ave., Geffen Hall



Back in 2017, an article in the Daily Bruin seemed to be complaining that apart from Cafe Med, there was no Starbucks on campus: <https://dailybruin.com/2017/05/10/the-quad-why-dont-we-have-starbucks-on-campus>. But that was before the current labor disputes at Starbucks were in the news, e.g., <https://www.reuters.com/legal/starbucks-must-disclose-spending-response-union-campaign-judge-rules-2023-10-06/>.

# Latest data accords with Forecast

Sunday, October 08, 2023

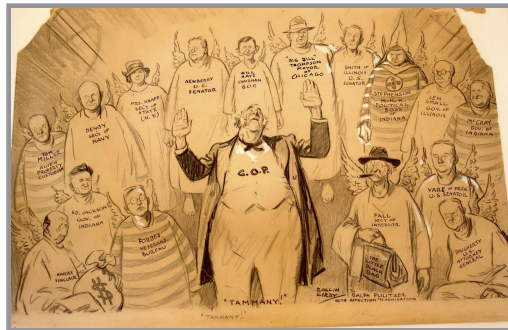


We noted in an earlier post this week that the UCLA Anderson Forecast is projecting no recession over the next year or so. Our weekly look at new weekly claims for California unemployment benefits is in accord with that projection.

As always, the latest claims data are at <https://www.dol.gov/ui/data.pdf>.

# New Political Cartoon Collection

Monday, October 09, 2023



As blog readers will know, from time to time we like to take note of donations to the university that don't involve brick and mortar construction. Here is one noted in the Bruin: *The UCLA Library received a donation of a political cartoon collection valued at \$4.2 million in September. The collection, donated by Michael and Susan Kahn, contains more than one million political cartoons and caricatures originating between 1690 and 2022. The donation from the family also includes additional funding for classes and workshops focused on political cartoons.*

*Michael Kahn, who graduated from UCLA in 1970 with a degree in political science, said in a written statement that he chose UCLA as the home for his collection because of his commitment to the university and for the collections to be accessible to leading scholars. "I wanted to repay my debt to UCLA and express my gratitude to it by sharing my life's work with UCLA," Kahn said in an emailed statement.*

*The political cartoon collection contains works from 59 countries and in 30 languages, according to the UCLA Library. It will be available digitally during the 2024-2025 academic year through the UCLA Library Special Collections. Christopher Gilman, the digital curriculum program coordinator with the Digital Library Program, said he was involved in creating proposals that worked to integrate the collection into different programs within the UCLA Library and in academic instruction. He added that items intended for academic use will be digitized and made available through BruinLearn activities and models.*

*He said the addition of the collection to the UCLA Library is incredibly important and beneficial for students as another form of communication to study. "The political cartoons as a type of content are very relevant to today's political discourses and to understand and be able to decode," Gilman said. "To situate oneself as a citizen among these types of communication is an important skill for all students to have. Kahn also said in the emailed statement that the collection possesses valuable insight to the world as it has changed over time.*

*"To me ultimately political cartoons speak truth to power," Kahn said in the written statement. "Today, we are faced with assaults on truth and timidity in the face of power. We need political cartoons to defend and propogate truth and to protect our freedoms."*

*The collection was donated in honor of Ginny Steel, the Norman and Armena Powell*

*University Librarian who is retiring in December...*

Full story at <https://dailybruin.com/2023/10/08/ucla-library-receives-donation-of-political-cartoon-collection-dating-back-to-1690>.

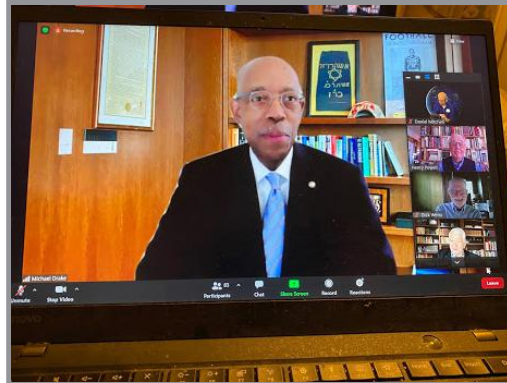
Cartoon image from <https://www.library.ucla.edu/collections/explore/michael-and-susan-kahn-political-cartoon-collection/>.

It might be noted that political cartooning has been disappearing. The LA Times no longer has a cartoonist. The Sacramento Bee got rid of their cartoonist recently.



# Anything happening in the world worth commenting on?

Monday, October 09, 2023



President Drake



UC Regent Chair Leib



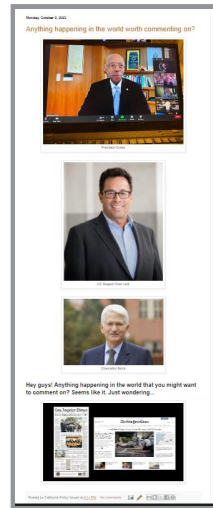
Chancellor Block

**Hey guys! Anything happening in the world that you might want to comment on? Seems like it. Just wondering...**



# The Response

Tuesday, October 10, 2023



Yesterday, as the image shows, we pondered in our post whether the UC and UCLA leadership had anything to say about recent world developments.

The response appeared late last night:

*Dear Bruin Community:*

*I write to share the below message from University of California President Michael V. Drake and UC Board of Regents Chair Richard Leib about the horrific and heart-wrenching terrorist attacks on Israeli citizens that took place over the weekend. These attacks led to an escalation of violence in the region that has since claimed many additional Israeli and Palestinian lives.*

*I also wish to recognize that this latest news adds to other deeply concerning recent international events, including violence taking place against civilians in Artsakh (Nagorno-Karabakh). Attacks against innocent people anywhere are an injustice.*

*Many Bruins possess deep ties to the communities and nations affected by these conflicts and are strongly impacted by what is happening abroad. I urge those who need help processing these events to make use of our support services: Counseling is available for students through UCLA Counseling and Psychological Services and for employees through UCLA's Staff and Faculty Counseling Center.*

*Because the foundation of UCLA is built on mutual respect, we must be vigilant that we do not allow anguish over what is occurring internationally to turn into resentment or mistreatment of our fellow Bruins at home. Anyone who experiences discrimination or harassment in our community should report it to our Office of Equity, Diversity and Inclusion.*

*This is a time of great stress and anxiety for many in our community. In moments like this it is even more important that we treat one another with compassion and kindness.*

*Sincerely,*

*Gene D. Block*

*Chancellor*

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University of California Board of Regents Chair Richard Leib and UC President Michael V. Drake, M.D., shared the following statement today, Monday, Oct. 9, 2023, in the wake of a violent weekend in the Middle East:

Our hearts are heavy in the face of the horrific attack on Israel over the weekend, which involved the loss of many innocent lives and the abduction of innocent hostages, including children and the elderly. This was an act of terrorism, launched on a major Jewish holiday. What should have been a quiet weekend of rest turned into days of unspeakable terror and shock. The violence is deeply disturbing, and as of this moment we still do not know the fate of the hostages. This act deserves and requires our collective condemnation.

With missiles continuing to rain down on Israeli cities and warfare now under way in Gaza, the number of innocents affected are multiplying by the hour. As a University community, which includes people from all different nationalities, faiths and political beliefs, our expressions of grief extend to all innocent people affected by this ongoing conflict. We know many members of the University of California community are deeply and directly affected by these events. Our thoughts are with you. We encourage you to seek out support services on your campus if you are struggling.

We continue to hope for a peaceful resolution to the ongoing conflict that has left so many people grieving, suffering, wounded, or killed.

We are grateful that all known UC students, faculty, and staff currently in the region are accounted for and safe. UC officials are in contact with them, and they are receiving guidance and following local security recommendations. We will continue to monitor the situation closely and take action as appropriate.

Additional resources and information for the University of California community can be found at the following links:

U.S. Embassy Jerusalem: Security Alerts

<https://il.usembassy.gov/news-events/>

UC Education Abroad Program: Emergency Information

<https://uceap.universityofcalifornia.edu/in-emergency>

University of California: Campus Counseling Centers

<https://www.ucop.edu/student-mental-health-resources/index.html>

S o u r c e :

<https://view.bp.e.ucla.edu/?qs=42d3ba9eefb8d1ce295c37a7ecce8df3ff7487354bb9edf9c4432a9b93218a2bba21e4eeb539b5fc078a45d1f118d6bf7e73300219dbf27687e68103beff08f0557e2a9c9fe93c4c7417962b4774741d007d898bd19b3392>

# It's Hard to Keep the Lid On - Part 6 (Strategic Non-Communication)

Tuesday, October 10, 2023



For those following *l'affaire Amarasekare*,\* we have this tidbit of non-information from the Bruin:

... *The Editorial Board* asked Block about the suspension of ecologist Priyanga Amarasekare, but Vice Chancellor for **Strategic Communications** Mary Osako declined to comment, adding that there is nothing the administration can say...

Full article at:

<https://dailybruin.com/2023/10/05/gene-block-and-administrators-discuss-equity-and-diversity-campus-expansion-and-more>.

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\*Our most recent post is at:

<https://uclafacultyassociation.blogspot.com/2023/09/its-hard-to-keep-lid-on-part-5.html>.

## If a tree falls in the forest and no one hears it...

Tuesday, October 10, 2023



*Can't hear you!* As a test, I tried tonight (Tuesday) to see if the chancellor's statement on the current war between Israel and Gaza could be easily located by an outsider who might be looking to find the official UCLA response. (We posted it earlier today after wondering whether there would be a response the day before.)

I checked the chancellor's X (Twitter) account as well as the UCLA X account.\* I poked around on the UCLA.edu website under such obvious places as "news releases."\*\* Didn't find it. I'm not saying it isn't there somewhere. I am saying it seems to be well hidden from external view.

In contrast, I did find President Drake's statement on the UC website after a bit of poking.\*\*

And I was able to find statements from other universities, notably from Harvard which was having a bit of a scandal after a Twitter blow-up caused by the responses of some student groups.\*\*\*\*

Just an observation... Maybe it will be easily online tomorrow. We'll see.

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\* <https://twitter.com/UCLAchancellor>; <https://twitter.com/UCLA>.

\*\* <https://newsroom.ucla.edu/>; <https://newsroom.ucla.edu/advisories>; <https://newsroom.ucla.edu/releases>.

\*\*\* <https://www.universityofcalifornia.edu/press-room/university-california-statement-mideast-violence>.

\*\*\*\* <https://twitter.com/Harvard/status/1711783162315985001>.

# Who's in Control?

Wednesday, October 11, 2023



If I am reading the item below correctly, the U of Washington is essentially filing a lawsuit on behalf of the other departing members of the Pac-12 (which include UCLA and UC-Berkeley) to regain voting rights for the ten departers. That would give the departers control of the Pac-12 and whatever assets it has. From ESPN:

*The University of Washington filed a motion to intervene in Whitman County (Wash.) Superior Court on Monday, seeking to join the lawsuit filed by Washington State and Oregon State against the Pac-12 and commissioner George Kliavkoff. If granted, the motion would pave the way for Washington to file a motion to dismiss the lawsuit, which neither the school nor the nine other departing Pac-12 universities -- Arizona, Arizona State, Colorado, Oregon, UCLA, UC Berkeley, USC, Utah and Stanford -- currently has the authority to do while not a party to the lawsuit. UW acted on behalf of the 10 universities primarily for jurisdictional reasons, as the original complaint was filed in Washington.*

*On Sept. 9, WSU and OSU filed a complaint for breach of bylaws and sought an emergency temporary restraining order to protect what the schools saw as an "imminent and existential threat" to the future of the conference. The TRO request was granted Sept. 27, at which point a hearing for a preliminary injunction was set for Nov. 14. The hearing would likely determine who would have voting rights on the Pac-12's board.*

*"UW has a significant stake in opposing WSU and OSU's claims and preventing the Court from granting the relief requested," the motion states. "True, UW is leaving the Conference after the 2023-24 academic year. But, in the meantime, UW remains a member of the Conference, and board participation and voting power affects the experience of UW's athletics teams and student-athletes for the 2023-24 academic year as well as UW's bargained-for contractual rights and financial interest."*

*WSU and OSU have contended that each of the 10 departing schools' announcements that they will move to new conferences next year qualifies as a notification to withdraw from the Pac-12, which would, per conference bylaws, removed their voting power. That precedent was set, they argued, when USC and UCLA no longer had voting power when they announced they were joining the Big Ten in the summer of 2022.*

*The 10 departing schools are challenging the grounds for that precedent...*

Full story at [https://www.espn.com/college-football/story/\\_/id/38617609/washington-attempting-join-pac-12-lawsuit-order-dismiss-it](https://www.espn.com/college-football/story/_/id/38617609/washington-attempting-join-pac-12-lawsuit-order-dismiss-it).



Still unclear is the magnitude of the assets. But they are clearly sufficiently large to motivate the litigation.

# Eke! An AT!

Wednesday, October 11, 2023

OFFICIAL FINANCIAL REPORT OF THE  
UNIVERSITY OF CALIFORNIA AT LOS ANGELES  
10/10/2023 10:05:59 AM

Year-Month : 202309

Fund Summary

Account/ CC	Sub	Curr Month Financial	Fiscal Year		Inception to Date		Encumbrance	Ledger Balance	Memo Lien	Operating Balance
			Appropriation	Financial	Appropriation	Financial				
		09	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
			0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
			0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
			0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
			0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

I enjoy round numbers as much as anyone. But since the 1950s (?), UCLA has been scolding anyone who puts in the "at" instead of a comma between University of California and Los Angeles. (The "at" suggested it was just the "southern branch" of you-know-who.) Apparently, the word has not yet been eliminated in the financial office.

# If a tree falls in the forest and no one hears it... Follow Up

Thursday, October 12, 2023



*Can't hear you!* On Tuesday, we posted about the odd obscurity of the chancellor's message concerning the Israel-Gaza war.\* If an outsider wanted to find that message and went to the obvious places - the chancellor's X (Twitter) account, the UCLA X account - it wasn't there. We also looked at the official UCLA website [ucla.edu](http://ucla.edu) and its sub-pages such as "newsroom" or "news releases." It wasn't there in contrast with President Drake's message which *can* be found on the UC website:

<https://www.universityofcalifornia.edu/press-room/university-california-statement-mideast-violence>

We said we would look again Wednesday (yesterday) to see if maybe there was just a delay in posting the message. But as of around 7 pm yesterday, it wasn't to be found.

As blog readers will know from an earlier posting, you can find the message on our blog:

<https://uclafacultyassociation.blogspot.com/2023/10/the-response.html>

which will also lead you to a UCLA link:

<https://view.bp.e.ucla.edu/?qs=42d3ba9eefb8d1ce295c37a7ecce8df3ff7487354bb9edf9c4432a9b93218a2bba21e4eeb539b5fc078a45d1f118d6bf7e73300219dbf27687e68103beff08f0557e2a9c9fe93c4c7417962b4774741d007d898bd19b3392>.

But an outsider is unlikely to stumble on that link by going through the usual sources of official UCLA communications.

**It's almost as if the chancellor didn't want to have his message be readily available.**

But we will look from time to time to see if there is eventually a more prominent posting. The problem with keeping the message obscure is that - as other universities have found

- it creates a space for others to seem to be the representatives of the university. And then there have to be explanations concerning official positions. See, for example:

<https://www.insidehighered.com/news/students/free-speech/2023/10/11/universities-slow-responses-hamas-attacks-draw-scrutiny>

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\* <http://uclafacultyassociation.blogspot.com/2023/10/if-tree-falls-in-forest-and-no-one.html>.

# AB 1291 - Follow Up

Thursday, October 12, 2023



From EdSource: *In a bid to make it easier for California's community college students to transfer to the University of California, Gov. Gavin Newsom signed legislation Tuesday to create a new transfer pathway between the two systems. The transfer pathway created by Assembly Bill 1291 will start as a pilot program at UCLA, with students getting priority admission if they complete an associate degree for transfer in select majors beginning in the 2026-27 academic year.*

*The specific majors haven't yet been determined, but UCLA will have to identify at least eight and another four by 2028-29. At least four of the majors will be in a science, technology, engineering or math field. The new pathway would expand to at least four additional UC campuses, also in limited majors, by 2028-29.*

*The bill doesn't, however, guarantee students admission to their chosen campus. If a student is not admitted to their preferred campus, the student will be redirected and admitted to another campus...*

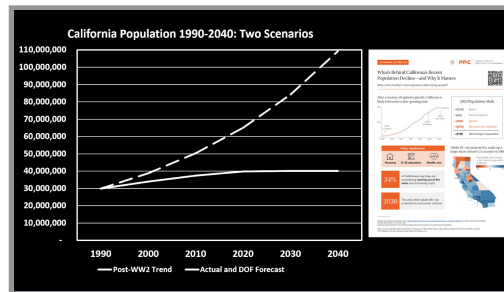
Full story at <https://edsource.org/2023/newsom-signs-bill-creating-new-transfer-pilot-program-between-uc-and-community-colleges/698622>.

As we have noted in the past, creating more paths to admission doesn't increase capacity. We have recently suggested one way in which UCLA might add some of the physical infrastructure that is needed to add physical capacity:

<http://uclafacultyassociation.blogspot.com/2023/10/uclas-connection-to-santa-monica-civic.html>.

# Demographic Destiny

Friday, October 13, 2023



Until about 1990, California was on a rapid population growth trend, faster than the rest of the US. If we had remained on the old trend, there would be 30 million more people in California today than there actually are. But after 1990, the end of the Cold War and decline of aerospace-military spending in the state led to California converting to an average growth state. After 2020, the projections suggest *zero* growth (slower than the rest of the US). There are many ramifications of this shift. A rapid growth rate allows a certain budgetary laxness since more of X doesn't mean less of Y. The pie keeps expanding. Zero growth, in contrast, tends to make things zero sum.

All of the discussion in the state about higher ed enrollment has to be seen in the context of this change in outlook. Fewer students will need to be accommodated than under a rapid growth scenario. The current tendency to push against having out-of-state students could reverse. We can already see the model shifting faster than policy. UC is under pressure to take more community college transfers. But enrollment in community colleges fell during the pandemic and hasn't returned to the pre-pandemic trend.

PPIC has various publications out dealing with population growth projections worth looking at, e.g.:

<https://www.ppic.org/publication/whats-behind-californias-recent-population-decline-and-why-it-matters/>

All of these developments require something we have called for in prior postings, a new Master Plan for Higher Ed.

# UCLA Burkle and Nazarian Center on Israel-Gaza War

Friday, October 13, 2023



Yesterday, the UCLA Burkle and Nazarian Centers presented a Zoom program on the the ongoing Israel-Gaza War. You can find it at the link below:

Or direct to <https://www.youtube.com/watch?v=Tw3YU5G-s4I>.

# UCLA Response to Rumors/UC-Irvine Chancellor's Statement

Friday, October 13, 2023



From [UCLA Newsroom](#):

## **Correcting misinformation related to campus events**

October 11, 2023

*In the midst of a painful period for many, it is easy for misinformation to spread. The university would like to correct several rumors:*

*There are a variety of events taking place this week focused on aspects of the conflict between Israel and Hamas. These events are not sponsored by UCLA, but by student groups and faculty members whose free expression rights are protected under the First Amendment of the Constitution. Allowing the use of campus facilities for such events is part of UCLA's legal obligation under the First Amendment and does not constitute the university's endorsement of any event, its speakers or the views they express.*

*There was also a rumor spreading that a professor made attendance to one of these events mandatory. This rumor is false.*

*Another rumor circulating was that a TA would offer extra credit to students if they attended one particular event. In fact, this extra credit was being offered if students attended any one of several campus events about the topic of political violence. Aligned with the Academic Senate's academic policies, faculty can offer extra credit to attend campus events that are relevant to their course content. It is also important to note that in addition to informing students about this event, the TA also sent students information about an event hosted yesterday (Oct. 10) by The Promise Armenian Institute and The Promise Institute for Human Rights, as well as an upcoming event hosted by the Y&S Nazarian Center for Israel Studies.*

*This is a tumultuous time and information is traveling quickly. We will continue to update this page with needed corrections as necessary.*

Source: <https://newsroom.ucla.edu/correcting-misinformation-related-to-campus-events>.



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What isn't a false rumor is that Chancellor Block's message on the Israel-Gaza War is still parked on an obscure link, as we have been noting in prior posts.\* In contrast to the message above, an outsider looking for that message would have trouble locating it (unless such an outsider happened to read this blog!). As we have noted in past posts, the message by UC President Drake is readily available, on the UC website.

**Also in contrast to the UCLA chancellor's obscurity is the easy-to-find message by UC-Irvine's chancellor:**

*As chancellor I believe it is vital for me to refrain from speaking about larger political or international events about which there may be differences of opinion among campus stakeholders (see my "statement on statements"). In general, I should not associate the campus with particular political positions on matters not directly related to the mission of the university.*

*The horrific massacre of innocent individuals in Israel by Hamas is not another international event or policy debate. It is the largest one-day slaughter of Jews anywhere in the world since the end of the Nazi holocaust.*

*There is no notion of "freedom fighting" or anti-Zionism that justifies or can rationalize the targeted murder and kidnapping of more than a thousand civilians. And with every passing hour the true scope of the horrors is revealed to be even worse than one could have feared. The situation is amplifying anxiety, pain and stress within our community and around the world.*

*In the days and weeks to come there will be many debates and arguments about many issues that arise in the wake of this tragedy. It is not my place to take positions on all those issues. I speak only now to give voice to our common humanity as we stand in unity against the cold, calculated massacre of the innocent.*

*Let us commit to supporting every member of our Anteater community who is most directly impacted by this history-changing catastrophe. Let us reach out to each other to deepen our understanding of our many and varied life experiences and unique perspectives as we work through our differences in an environment of mutual respect and peaceful engagement. And let us strive to create a world where the light of knowledge conquers the darkness wrought by hate and violence.*

*Fiat Lux.*

*Chancellor Howard Gillman*

*If you find yourself in need of assistance or someone to speak with, please do not hesitate to reach out to the following resources:*

*UCI Counseling Center for undergraduates and graduate students*

*Life Resources Program for faculty and staff*

( R e a d i l y            a v a i l a b l e )            s o u r c e :  
<https://chancellor.uci.edu/communications/campus/2023/231010-shared-commitment-to->

humanity-and-understanding.php.

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\* <https://uclafacultyassociation.blogspot.com/2023/10/the-response.html>;  
<https://uclafacultyassociation.blogspot.com/2023/10/if-tree-falls-in-forest-and-no-one.html>; [https://uclafacultyassociation.blogspot.com/2023/10/if-tree-falls-in-forest-and-no-one\\_038176209.html](https://uclafacultyassociation.blogspot.com/2023/10/if-tree-falls-in-forest-and-no-one_038176209.html).

## Who's in Control? - Part 2

Saturday, October 14, 2023



We recently noted a lawsuit by the U of Washington in which UCLA seems to be an ally-by-proxy that goes to who will control the remaining assets of the Pac-12 after the departure next year of ten of its members (including UCLA). If successful, the legal strategy would give the departing ten control over the assets instead of the remaining two.

As perhaps a footnote to that development are remarks by UCLA football coach Chip Kelly expressing sympathy for the remaining two:

*"I think it's a travesty that Washington State's not in a conference. That, to me, is a joke. That's a really, really good football team and a school that's had a bunch of tradition. And it's the same thing with Oregon State. The fact that those two schools aren't in a Power Five conference, or won't be in a Power Five conference next year — people should figure it out. There's a lot of really smart people in college athletics, but if we let those two schools not end up in a Power Five, then shame on us. That's just not right. You're talking about two nationally-ranked football teams that do it the right way. I've got a ton of respect for both of those programs. I hope things work out for them, because they deserve to play football at the highest level because they can play football at the highest level... I've got a ton of respect and I think those are two outstanding programs. And we gotta play them back-to-back. You saw what they were like today, and we know what it's going to be like next week when we go to Corvallis."*

Quote from <https://www.si.com/college/ucla/football/ucla-football-chip-kelly-weighs-in-on-conference-change-rks97>.

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\* <http://uclafacultyassociation.blogspot.com/2023/10/whos-in-control.html>.

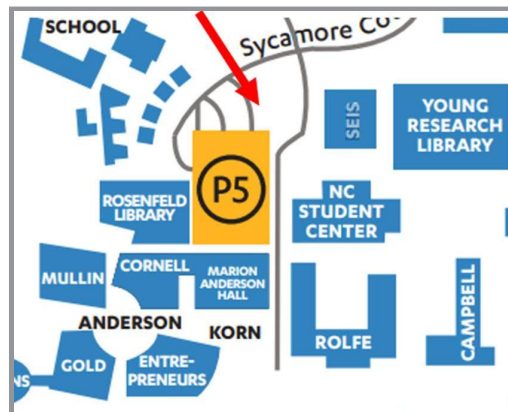
# Food Service Problems

Saturday, October 14, 2023



Yours truly received a communication indicating that there are food service problems around campus, especially north campus. Presumably, the labor shortages that have afflicted the post-pandemic service sector is also an issue at UCLA, particularly at lunch time.

As an experiment, food trucks are being added including one on Wednesdays, 11 am - 2 pm, at the location on the map below.



# More response from the chancellor

Saturday, October 14, 2023



The campus has proved not to be immune to world events. We have noted in prior posts that the chancellor's initial response was not easy to find for an outsider looking for it. So we now have another message from the chancellor that appeared yesterday, much more prominently, on X (Twitter):



Source: <https://twitter.com/UCLA/status/1713015937857978550>

**Reflections at the Close of a Difficult Week** Chancellor Block shared the following message with the UCLA campus community.

Dear Bruin Community:

*I write to share reflections at the end of a very challenging week for both our UCLA community and the world.*

*Only six days ago, a heinous assault was perpetrated upon Israeli civilians by the terror organization Hamas, a despicable attack that included the killing of children and the elderly as well as the taking of innocent hostages. Earlier this week, I joined UC leadership in condemning this attack, and as new details have emerged, I can only denounce it further: This was a grievous act of malice and hate. It was, I am pained to say, the largest one-day killing of Jews since the end of the Holocaust.*

*Since then, Israel has responded to the assault, leading to a significant loss of Palestinian lives and the troubling displacement of large numbers of innocent individuals. Bruins have ties to both Israel and Palestine that run very deep, and while this conflict is physically far away, it is emotionally very close. Our community is experiencing trauma and heartache, outrage and anxiety. I reiterate my hope that students in need of support will reach out to UCLA Counseling and Psychological Services or the RISE Center. For*

*those who feel the situation is impacting their well-being or academic life, support is also available through the Dean of Students office and Case Management.*

*Many of our staff and faculty are strongly affected by this violence as well. Those who need support should connect with the Staff and Faculty Counseling Center. I urge supervisors to be flexible and understanding with employees during this time.*

*This week, the growing war has prompted lectures, rallies, protests, counter-protests and many intense debates on our campus. This will surely continue in the days to come, and we will stand firmly in support of our community members' First Amendment rights to free expression. I only urge Bruins to remember that passion must coexist with compassion. We should debate ideas, but we must never attack one another's fundamental humanity. We must not devolve into violating one another's rights or jeopardizing one another's physical safety. Anyone experiencing harassment should report it through our Office of Equity, Diversity and Inclusion. If you feel unsafe or threatened, immediately contact UCPD or call 911.*

*As we enter the weekend, we should pause to look back on this difficult week, honor the innocent lives lost, and express our high hopes for a peaceful resolution to the current violence. We should also remember that a university is a diverse group of individuals united in their dedication to the pursuit of knowledge. We must model respect and endeavor to understand rather than alienate one another. This is the light that will carry us through dark days.*

*Sincerely, Gene D. Block Chancellor*

<https://chancellor.ucla.edu/messages/>.

# Mixed Picture on State Cash Flows

Sunday, October 15, 2023



The September monthly report from the state controller came out last week showing results for the first quarter of the 2023-24 fiscal year. Receipts were roughly what was projected when the budget was enacted, but under what had been received in the prior fiscal year at that time. Disbursements were somewhat below projected levels, but well below the prior year.

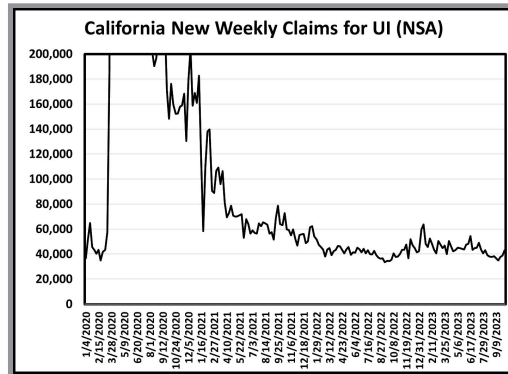
So we are more or less on target. But the target reflected a tighter budget than we saw last year. Of course, there are three more quarters to go in this year and that is plenty of time for external events, such as the Israel-Gaza War, developments in the Ukraine War, and who-knows-what to occur.

The good news is the incredibly large (\$90+ billion at the end of September) level of unused borrowable resources the state has built up which provides a cushion against adverse developments.

The September data are at <https://sco.ca.gov/Files-ARD/CASH/September2023StatementofGeneralFundCashReceiptsandDisbursements.pdf>.

# As the Forecast Said...

Sunday, October 15, 2023



As we noted, the UCLA Anderson Forecast came down on the side of no recession in the near or intermediate term. And our weekly look at new weekly California claims for unemployment benefits supports that view. Of course, there are now uncertainties as a result of the Israel-Gaza War which were not part of the UCLA Forecast in September.

As always, the latest claims data are at <https://www.dol.gov/ui/data.pdf>.



## Who's in Control - Part 3

Monday, October 16, 2023



We have been following the question of who gets to control the assets - whatever they are - of the Pac-12 after ten of its members, including UCLA, depart. Apparently, at least one document supports the position of the remaining two universities that they should have sole control:

### **Commissioner Kliavkoff admitted USC, UCLA were removed from Pac-12 board**

Oct. 12, 2023

Jon Wilner

Bay Area News Group, [Seattle Times](#)

*In a court filing last month in the fight for control of the Pac-12, commissioner George Kliavkoff indicated he had no position on the composition of the conference's governing board. Whether board seats should be limited to the two remaining schools, Washington State and Oregon State, or available to the 10 outgoing members, as well, was an issue for the universities to settle, Kliavkoff stated in his court declaration. But that's not what he said this summer in a different legal entanglement.*

*Weeks before the Pac-12's collapse, Kliavkoff issued a sworn statement to the San Francisco Superior Court in which he stated that UCLA and USC had, in fact, already relinquished their board positions after announcing they would be joining the Big Ten. The statement, unearthed Wednesday evening by the Hotline, is one of dozens of filings in a lawsuit brought by two former Pac-12 executives who were terminated for their roles in the Comcast overpayment scandal.*

*In the first section of his declaration to the court, which was filed July 12, Kliavkoff states his job title and responsibilities: "I am the Commissioner for Defendant Pac-12 Conference and have held this position since July 1, 2021. I report to the Pac-12 Conference Board of Directors, comprised of the Chancellor or President of each member institution." The second sentence is accompanied by the following annotation: "The University of California, Los Angeles, and University of Southern California, are no longer among the member institutions represented on the Board of Directors."*

*The declaration is nine pages long and concludes, "I declare under penalty of perjury pursuant to the laws of the United States of America and the State of California that the foregoing is true and correct." It is signed by Kliavkoff.*

*A source called the development potentially “significant” in the lawsuit brought by Washington State and Oregon State against the conference over control of the governing board. It shows Kliavkoff, under penalty of perjury, acknowledging that announced departures to other conferences trigger removal from the Pac-12’s board — exactly the point Washington State and Oregon State are arguing in their lawsuit. The two schools left behind in the realignment game contend the 10 outbound members gave what conference bylaws call “notice of withdrawal” upon announcing their moves to new leagues. As a result, the Cougars and Beavers believe they should be the only remaining members of the board. The lawsuit, filed Sept. 11 against the Pac-12, attempts to gain judicial clarity on the matter.*

Source: <https://www.seattletimes.com/sports/wsu-cougar-football/commissioner-kliavkoff-admitted-usc-ucla-were-removed-from-pac-12-board/>.

# The Governor is Less Nuanced than the Chancellor

Monday, October 16, 2023



We noted Chancellor Block's second response to the Israel-Gaza War in a prior post on Saturday. The governor (who is also an *ex officio* Regent and technically President - as opposed to Chair - of the Board of Regents) put out a less nuanced statement yesterday:

Or direct to <https://www.youtube.com/watch?v=CEXwf0ci-8A>.

# Student Subscriptions

Tuesday, October 17, 2023



There has been a lot of concern in the digital age about the decline of traditional journalism. Part of the issue is that young people in general seem less likely to consume news from established newspapers than older people

An editorial in the Bruin - which is, after all, a newspaper - notes that all students get a free subscription to the New York Times - for now:

*“All the news that’s fit to print” is now free to peruse for all UCLA students thanks to a new funding program under the Undergraduate Students Association Council. The initiative to make The New York Times accessible for students for free was engineered by Financial Supports Commissioner Sara Broukhim along with USAC General Representatives Gabby Lasry and Jonathan Valenzuela Mejia, among others. After nearly two years in the making, USAC made the deal with the Times using about \$31,000 of surplus funds to get free subscriptions for more than 32,000 undergraduate students.*

*Giving UCLA students subscriptions to The New York Times represents a major step in ensuring that Bruins can access reliable news reporting on a variety of topics from one of the country’s most reputable newspapers. Along with initiatives such as the Bruin U-Pass program that emerged from the transit referendum last year, this effort shows that USAC is having a positive impact on the student community, channeling resources into effective projects that benefit the day-to-day lives of Bruins. However, because of the use of surplus funding to support the program, there are concerns that access to The New York Times after this year could be put at risk if alternative financing cannot be found.*

*Students should have the option to permanently fund the Times subscription program through a referendum during this year’s USAC election...*

Full editorial at <https://dailybruin.com/2023/10/15/editorial-permanent-funding-is-crucial-for-ensuring-continued-access-to-the-new-york-times>.

# Legit

Tuesday, October 17, 2023



It took yours truly some time but your truly has determined that the email below *is* legit. (I questioned it because it did not come from a standard UC address.) So, if you have a retirement savings account through UC, you may want to take the steps shown.

*Take these simple steps to help protect your UC Retirement Savings Program account(s)*

*Visit your Profile page on [netbenefits.com](https://netbenefits.com) and:*

- 1. Set up access for your UC Retirement Savings Program account(s). Select **Register** as a new user.*
- 2. Add or update your mobile phone number and email address. Select **Personal & Contact Information**.*
- 3. Sign up for 2-factor authentication at login. Select **Security Center** and then 2-factor authentication. You'll need a phone number on file to receive security codes. Please note that you may need to clear your browser cache and delete stored cookies to enable this feature.*
- 4. Sign up for eDelivery and monitor your account. Select **Preferences** and choose to receive your documents via email.*

**Call Fidelity:**

- 5. Enable Fidelity MyVoice®. Call Fidelity at (866) 682-7787 to create your unique voiceprint, which will be used to authenticate you on future calls.*

# Retirement Seminar

Wednesday, October 18, 2023



The UC Retirement Process – Step by Step

For UCRP members who are planning to retire within the next 4-12 months. We will explain everything you need to know about the retirement process, including required forms, important deadlines and helpful resources.

Date: Thursday, October 26, 2023 Time: 10:00 a.m. – 11:30 a.m.

**Zoom webinar:**

[https://fmr.zoom.us/webinar/register/WN\\_kh7jOKBGSIC1Rg7K3tkIDw#/registration](https://fmr.zoom.us/webinar/register/WN_kh7jOKBGSIC1Rg7K3tkIDw#/registration)

# Student-Worker Strike Repercussions - Part 23 (classification)

Wednesday, October 18, 2023



From the Daily Cal come word of a contract administration issue that has cropped up at Berkeley in the wake of the student-worker strike and settlement:

*After a contract deal between the UC system and UC graduate student instructors', or GSIs', union UAW 2865 scheduled raises for course staffers across the state, some UC Berkeley GSIs allege campus reclassified them as lower-paid employees and served them a pay cut. For years, UC Berkeley classified GSIs as associate instructors, or AIs. After the 2022 UC academic worker strike, UAW 2865's new labor contract with the UC system scheduled a series of salary increases for course staffers — including AIs and teaching assistants, or TAs...*

*In an email, union stewards for the English department Sylvie Thode and Andrew Haas said all AIs in the department were reclassified as TAs... When asked, campus spokesperson Janet Gilmore did not provide any details on the mapping from the old UC Berkeley scale to the new systemwide scale... Gilmore said campus is aware of such concerns regarding salary and job titles and has scheduled a meeting with UAW 2865 to "resolve related grievances."*

Full story at <https://www.dailycal.org/2023/10/15/campus-gsis-allege-wage-cut-in-reclassification-to-lower-paid-job-title>.

# Information on Former UCLA Chancellor Young

Wednesday, October 18, 2023



Received through the Emeriti/Retirees Relations Center (ERRC)

From: JOHN SANDBROOK

Sent: Tuesday, October 17, 2023 8:40 PM

Subject: IMPORTANT UPDATE--Chuck Young

Friends and colleagues:

Writing on Tuesday evening, October 17

This is not an easy Email to write, but I am doing so at the suggestion of Chuck Young's wife, Judy. Chuck has been hospitalized twice during the past two weeks at the local hospital in Sonoma, CA, where they live. Judy and I have been communicating daily, several times today. Chuck, Jr., who is in Sonoma with his father, also called me today. The complexity of Chuck's multiple and overlapping health challenges has worsened over the last several weeks.

**BOTTOM LINE:** Judy informed me this Tuesday evening that, with his consent, Chuck will be discharged tomorrow (Wednesday, October 18) to return to their home in Sonoma .... but under hospice care.

Chuck will not have another hospitalization. Judy told me tonight that Chuck is aware of this fact.

Only Providence will know the timetable for Chuck henceforth. (Of course, the example of former U.S. President Jimmy Carter is well known to all of us, following the announcement last February that President Carter had begun hospice care at home in Georgia.)



Judy advised me this evening that Chuck hopes to dictate a few letters in the next few days. She did not indicate who might be the recipients of his letters...\*

Chuck and Judy have been married for 21+ years (July 20, 2002), following Sue's passage in September 2001 after 51+ years of her marriage to Chuck.

Chuck marked his 91st birthday last December (DOB: December 30, 1931).

You are all well aware of his service as the first student body president of UC Riverside and his staff work for former UC President Clark Kerr on the California Master Plan for Higher Education, following by his appointments under Chancellor Franklin Murphy at UCLA (1960-1968) and then his tenure as Chancellor of UCLA (September 1, 1968-June 30, 1997). And, after that, came his stints at: (1) the University of Florida; (2) the Qatar Foundation for Education, Science and Community Development; (3) the Los Angeles Museum of Contemporary Art; and (4) the Sonoma Valley Unified School District.

Not much else to say at this point.

Best,

John Sandbrook

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\*NOTE: I have omitted information on how to email or write to former Chancellor Young in order to avoid problems that can arise when such information is in the public sphere. For that information, get in touch with the ERRC.

# Cybersecurity

Thursday, October 19, 2023



Various emails have been received by yours truly from UCLA sources regarding cybersecurity. Below is are the key elements of one such message:

Many of us receive a steady flow of emails every day, including bank statements, order confirmations, or sales promotions. To keep up, you may look through your inbox as quickly as possible—but don't forget to stay vigilant. Cybercriminals take advantage of full inboxes to send dangerous, unexpected emails. Phishing is the primary method criminals leverage to unearth login credentials. In the first half of 2023 alone, the number of email-based phishing attacks has surged 464% when compared to 2022. The evolving cyberattack landscape reveals the increasing utilization of generative artificial intelligence (AI) systems, like ChatGPT, by cybercriminals for crafting malicious content and executing sophisticated attacks, according to Acronis. Equally concerning is the growing prominence of data stealers, who leverage stolen credentials to gain unauthorized access to sensitive information.

One of the most popular unexpected email scams includes fake banking emails. Cybercriminals will send you an email that appears to be from a local bank, claiming that they have suspended your account due to unusual activity. **BEFORE ACTING**, consider whether it makes sense that you're getting this email. Ask yourself questions like:

- Do you have an account with this bank?
- Is this how your bank typically contacts you when unusual activity is detected?
- When was the last time you checked your bank account?

If you don't **STOP** and **THINK**, you may give cybercriminals exactly what they want.

## **Your New Scam Is on the Way**

In another scam, cybercriminals imitate a popular retailer's order confirmation email. The email states that your card was charged with a large sum of money, and your order is on the way. Even though a fraudulent charge is alarming, **PAUSE** and determine if the email makes sense. Ask yourself questions like:

- Do you shop at this retailer?

- Have you ever entered your credit card information on their website?
- Does the email include any accurate identifying information, like your name, credit card number, or shipping address?

Without PAUSING to ask yourself questions like these, you may fall right into a cybercriminal's trap.

### **What Can I Do to Stay Safe?**

Follow the tips below to stay safe from unexpected email scams:

- When you receive an unexpected email, STOP and consider the context. For example, if the email is about an order you didn't place, it could be a scam.
- Never click a link in an email that you aren't expecting. Instead, open your internet browser and navigate to the organization's official website.
- Watch out for urgent messages, such as an email alerting you about an expensive credit card charge. Phishing attacks rely on impulsive actions. So, always THINK before you click.

# Information on Former UCLA Chancellor Young - Part 2

Thursday, October 19, 2023



Blog readers will have seen our posting yesterday about former UCLA Chancellor Charles Young who has entered hospice care at age 91.\* The message reproduced in that post simply gave the dates that he was chancellor as 1968 to 1997. Old timers will recall that 1968 and thereabouts was not an easy time to become chancellor.

The video below will give some flavor of that period:

Or direct to <https://www.youtube.com/watch?v=Al4U-q2o2cg> .

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\* <https://uclafacultyassociation.blogspot.com/2023/10/information-on-former-ucla-chancellor.html>.

# Good News and Bad News for AI

Friday, October 20, 2023



AI programs such as chatGPT have made detection of machine-written essays difficult. As blog readers will know, standard plagiarism detectors don't work and ones supposedly designed for AI have such high error rates as to render them useless.

One suggestion has been to use hand-written essays. The Good News is that the governor has signed a bill making cursive writing mandatory in California schools. From ABC-7 KGO:

*... Governor Newsom signed a bill that will require cursive instruction in first through sixth grade... As artificial intelligence becomes a factor, handwritten essays may be something to consider...*

But now the Bad News from the same article. You may have to wait to require such essays:

*... Abigail Soriano-Lentz is the English Language Arts Curriculum Coordinator for the East Side Union High School District... Now that AB 446 has been signed, learning cursive is going to be new for students and for some teachers. " For thirteen years our teacher education programs have said cursive is not part of the standards so we have quite a chunk of teachers who have not taught it and who haven't needed to teach it and some who probably were not taught it themselves," Soriano-Lentz said.*

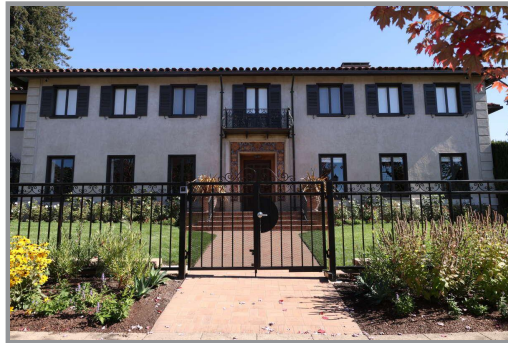
*At the high school level, Soriano-Lentz said there's a mix of students who can and cannot read and write in cursive...*

Full story at <https://abc7.com/cursive-california-schools-governor-newsom-teaching-handwriting/13926546/>.

The bill is at <https://legiscan.com/CA/text/AB446/id/2743420>.

# Fence not a good defense

Friday, October 20, 2023



From the [San Francisco Chronicle](#): *The University of California spent months installing a security fence at the Berkeley home of President Michael Drake earlier this year. But as protection against vandalism and racist graffiti it didn't work very well - belying the idea that you get what you pay for. UC shelled out \$341,477 for the fence, the Chronicle has learned.*

*The custom-built steel structure was originally supposed to have been installed for \$248,451, but by this spring the price had grown by more than \$93,000, or 37%, according to invoices obtained by the Chronicle. "The University erected a fence to ensure the safety of President Michael V. Drake, M.D. and his family after trespassers breached safeguards on multiple occasions," said Ryan King, a university spokesperson. "Given the historic nature of the house and the need to secure the property, the university invested the funds from non-tuition and non-state funds." King said the fence and other security improvements "will ensure that the value of the home increases when the university sells the home at a future date."*

*Trouble started at the president's home in April, 2022, a few months after UC bought the architectural gem at 2821 Claremont Blvd., designed by Julia Morgan and built in 1929. Someone scrawled "Save Rochdale" on the front of Drake's new home on April 15, the news site *Berkeleyside* reported, a reference to the cooperative student housing, Rochdale Apartments, whose future is in doubt due to unfunded repair requirements.*

*Soon afterward, in August 2022, UC hired Emeryville-based Giampolini Courtney Masonry Restoration to build a 144-foot long, 6-foot tall fence to protect the president's home, records show. The home became such a magnet for protests and demonstrations during the 40-day UC student worker strike that ended on Dec. 23 that the owners of a nearby property posted a sign that said, "ATTENTION: This house does not belong to the president of UC Berkeley [sic]. Please do not disturb." (Drake is the president of the UC system. Chancellor Carol Christ heads UC Berkeley.) By then, work on the new fence was already under way.*

*Giampolini's price rose by 24% in January, when the builders told UC that they needed a \$60,222 retaining wall. From there, the price rose another 11% in April, when the builders charged UC \$32,802 for "coordination delays" and additional work caused by "wet dirt." But the luxury fence did little to keep out vandals.*

*On May 15 this year, after the barrier was completed, people found a way around it and spray-painted racist slurs and profanity on the home, referencing the Jan. 6, 2021, insurrection at the U.S. Capitol. (For security reasons, the university declined to discuss the breaches.) UC initiated a hate-crimes investigation but has not revealed its outcome. Drake is the UC system's first Black president.*

*...Last month, Drake sought approval from the regents to purchase a new house in Piedmont for nearly \$13 million. ...But as with the fence, the high price tag was no guarantee of security, and the regents said no...*

Full story at <https://www.sfchronicle.com/eastbay/article/uc-spent-630k-failed-security-fence-18431689.php>.

# Watch the Regents Health Services Committee of Oct. 11, 2023

Saturday, October 21, 2023



We are catching up with the Regents who met in an off-cycle meeting of the Health Services Committee on October 11th. They met in the morning for a public session with public comments, then went into closed session, and that resumed in public in the afternoon. Public comments included nurse training, gun violence and gun divestment, optometrists' labor relations issues, doctor licensing, student health care in Merced, and care in cases of sexual assault. After hearing public comments, the committee went into closed session. You can hear the open session at:

<https://ia804509.us.archive.org/27/items/health-services-committee-afternoon/Health%20Services%20Committee%20Morning.mp4>.

In the afternoon session, there was an executive pay approval. **Then Regent Pérez made an announcement about issues related to negotiations with Anthem Blue Cross and UC for health coverage. He said that notices had been received by subscribers that those using UC facilities might be discontinued. Pérez said that this is an issue at the legislature and if some accord is not reached soon, he would be creating some kind of committee involving the legislature to push an accord. Since this matter was not on the agenda, there was no discussion.**

The discussion then turned to services at UC for sexual assault victims. It was said there was a shortage of forensic nurses who are needed in such cases. Typically, students are provided transportation to various specialized clinics. However, students would prefer the services be on campus.

There was then a report on arrangements with religious affiliates which have restrictions on such services as abortion.

Finally, there was a discussion of interim licensing of residents at medical campuses. It appears that problem related to these licenses was largely addressed by involving the legislature. But there appear to be some residual issues related to leaves. The Regents were not sure they fully understood the residual problem and neither did yours truly.

You can see the afternoon meeting at:

<https://ia804509.us.archive.org/27/items/health-services-committee-afternoon/Health%20Services%20Committee%20Afternoon.mp4>.

The overall page for this meeting - which also includes the new athletics committee that will be reviewed in a later post - can be found at:



[https://archive.org/details/health-services-committee-afternoon.](https://archive.org/details/health-services-committee-afternoon)

# The Harvard Data Manipulation Affair Continues - Part 2 (due process)

Saturday, October 21, 2023



There seems to be no end to the Gino/data manipulation case at Harvard. If you haven't kept up with it, you'll just have to put "Gino" into the search engine in this blog to catch up.

Now comes the issue - somewhat divorced from the question of data manipulation and who did it - of whether Harvard Business School followed due process procedures in dealing with the case. From the [Harvard Crimson](#):

*This summer, news broke that Harvard Business School found Professor Francesca Gino guilty of research misconduct. The school placed her on unpaid administrative leave, terminated her family's health benefits, and stripped her of her endowed faculty title. As her peers and fellow tenured faculty, we assumed this outcome resulted from a fair investigative process by the Business School, because as an institution we have always believed that process integrity is the foundation of outcome integrity. But what we've learned since then has rocked our confidence in HBS — enough so that seven of us feel compelled to speak out, and must do so anonymously for fear of retaliation from the institution whose principles we hold so dear.*

*First, despite having a Research Integrity Policy in place for years, HBS opted to change that policy. By only doing so after receiving allegations regarding Gino's work, HBS violated its norms of policy development. In the past, new policies governing faculty have been developed with extensive faculty input. Often, this begins with the announcement of a task force to lead the effort, followed by small-group discussions, interviews, and surveys among faculty members. The task force then develops a recommendation which is presented and voted upon at a subsequent faculty meeting before being formally adopted by the Business School administration. This process typically takes several months.*

*Instead of following this well-trodden path, HBS quietly created and rolled out a new interim policy for research misconduct in the summer of 2021. This policy was in place for two years before ever being mentioned to faculty. The new policy appears to have been designed specifically for Gino. It created artificial and arbitrary restrictions that limited her*

*ability to defend herself. For example, the old policy permitted those under investigation to discuss the matter with advisors and others as needed. The new policy limited Gino to talking with two advisors and forbade her from talking to people outside the investigative process under threat of termination for violating confidentiality. Furthermore, HBS had faculty and staff working on the investigation for months, including the assistance of an outside forensics firm. Gino had just a few weeks to respond to their voluminous reports while also carrying a full teaching load.*

*Second, it appears HBS did not follow its own interim policy. Here are the most troubling ways this happened, according to Gino's lawsuit complaint: HBS never articulated its specific charge of research misconduct, unfairly shifted the burden of proof onto Gino, failed to maintain confidentiality, and recommended the harshest possible sanctions without considering mitigating circumstances.*

*Third, the University's Third Statute — which concerns "Officers and Staff of the University" — requires a finding of "grave misconduct" for a tenured professor's removal from teaching and administrative positions. By placing her on a two-year unpaid administrative leave absent such a finding, HBS effectively terminated Gino's employment while circumventing the procedural protections she is entitled to under her contract and longstanding University policies.*

*Fourth, we understand that Dean Srikant M. Datar requested the Office of the President formally review Gino's tenure. Harvard has not fired any tenured professors since the formalization of tenure rules in the 1940s — including professors accused of sexual misconduct, sexual assault, and Title IX violations, who Harvard allowed to either retire or return to teaching. We believe Gino's charges pale in comparison to some of these horrors. Furthermore, given the broken investigation process, we are concerned about this drastic step setting a precedent for other faculty down the line.*

*We are speaking out today because Dean Datar has a responsibility to HBS faculty to explain the changes he made to the research integrity process. We are not asking for details of the lawsuit or Harvard's litigation strategy. Our focus is institutional process and integrity, ensuring each of us are treated fairly and equally with procedures that reflect what HBS stands for. Questions that need answers include: Why the need for a new policy if the old policy was explicit about data falsification? Was there an agreement with the academic bloggers at Data Colada that motivated this change, as Gino's lawsuit alleges, and if so, what was the agreement? Why was the new policy not inclusive of faculty involvement, nor communicated explicitly to faculty? Is it true that Dean Datar has counseled faculty facing public scrutiny to resign in the past, and if so, is Gino's lawsuit correct that this treatment has been disproportionately applied to female faculty?*

*As tenured HBS faculty, we never imagined we'd need to speak out anonymously about our own institution. But our questions demand answers, and for the protection of ourselves, our colleagues, and our principles, we have been left with no other choice.*

Source: <https://www.thecrimson.com/article/2023/10/18/hbs-faculty-speak-out/>.

# The Way We (Shouldn't) Live (Especially) Now

Saturday, October 21, 2023



**From Sacramento Bee article.** Everyone has opinions, even strong opinions, about current events. Everyone has the right to express these views on social media or through traditional media.

Opinions, yes. Physical threats, no. The latter - apart from the obvious reason why they should not be expressed - degrade the university and have the potential to erode the rights of others. Even if due process is provided to this case (below) - and apparently it will be - others can be adversely affected.

Yours truly tries to think twice before hitting the "send" button. It's a good rule for others, too.

From the [Sacramento Bee](#):

## **UC Davis condemns social media post threatening Jewish reporters made by professor**

By Ishani Desai, 10-20-23

*The chancellor of the University of California, Davis, condemned a social media message threatening Jewish American journalists that appears to have been posted by a professor, and officials have launched an investigation into whether the educator violated the school's code of conduct. Screenshots by multiple media outlets of the posts appear to show Jemma Decristo, an associate professor of African American studies, saying there's easy access to Jewish journalists who spread propaganda and misinformation. Reporters have "addresses (and) kids in school," the post said. Decristo is still employed by UC Davis, the university's statement added. "They can fear their bosses, but they should fear us more," the post appearing on the social media platform X showed. There were emojis of a knife, an ax and red drops after the statement.*

*Decristo's X profile has been turned private with a profile message that points users to another X profile "for when I get suspended." Attempts to immediately reach her were not successful.*

*Chancellor Gary S. May issued a statement Thursday in which he rejected all forms of*

*violence and discrimination because they are antithetical to UC Davis' values. "I find the comments revolting in every way, and I disagree wholeheartedly with them," May's statement said. The process by which to determine if Decristo has violated the university's faculty code of conduct are confidential personnel matters and cannot be shared with the public, May said. But, May added, the university's provost would refer the incident to departments investigating harassment, discrimination and faulty discrimination.*

May noted opinions deemed controversial or abhorrent are protected by the First Amendment. UC Davis' investigation will incorporate legal expertise regarding people's First Amendment rights, he said. "We are carefully reviewing this matter to ensure our response is consistent with universitywide policy and state and federal constitutional protections," May said. *According to state payroll records maintained by Transparent California, Decristo has been at the university since at least 2019. Last year, she earned a base salary of \$94,850 and earned over \$110,000 with benefits factored in. She was a literature post-doctorate graduate of UC San Diego before coming to Davis.*

*Now-removed references to Decristo on UC Davis' Department of American Studies faculty webpage said she was also an undergraduate faculty advisor. She is described in a faculty post as a "scholar-artist-activist" who "writes about Black art and community."*

*"Dr. DeCristo insists that when students in American studies learn to treat the world around them as 'problem spaces,' when they research, question, write, and study that space, they can start to mold their reality and build the world they want," according to a post published by the American studies program during its 50th anniversary celebration.*

Source: <https://www.sacbee.com/news/local/article280775760.html>.

# Watch the Regents Special Committee on Athletics of Oct. 11, 2023

Sunday, October 22, 2023



We are catching up with the Regents. The Special Committee on Athletics met off-cycle for its first meeting on October 11th. Committee Chair Hernandez said at the end that future meetings of the committee would be at regular Regents meetings and that members should attend in person. (One member attended this meeting remotely.)

Basically, this was a formative meeting. It was suggested that the word "Student" be added to the committee name, i.e., Special Committee on Student Athletics. There were also suggestions that there should be advisors such as a student-athlete, a campus athletic director, and maybe someone with expertise in mental health.

There was then a presentation on the broad issue of delegations of authority by the Regents to campuses. Even with such delegations, there are specified limits related to pay of athletic directors and coaches. (Athletic directors report directly to chancellors.) By regental policy, student-athletes get priority in course registration. Their scholarships cannot be revoked in cases of injury.

Although the impetus for the committee's creation was the move of UCLA from the Big Ten and the effects that might have on Berkeley, there were scheduled presentations by two campuses that have lower profiles in athletics: Irvine and Davis.

Some concern was expressed that policies and federal and state legislation tends to be driven by developments at high profile schools, and then costs and requirements are imposed on universities with lower profiles.

Nothing came up that was controversial although - as noted - the committee was established as the result of a controversy.

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As always, we preserve recordings of Regents meetings since the Regents currently have no policy regarding retention. You can see this committee's meeting at:

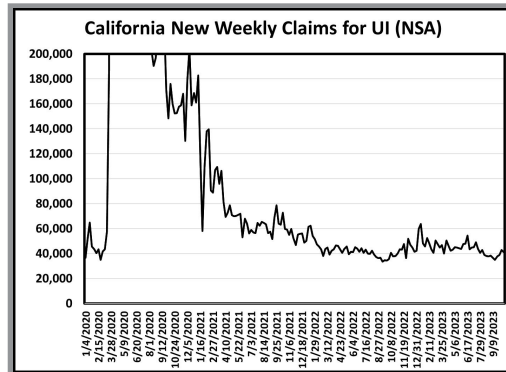
<https://ia804509.us.archive.org/27/items/health-services-committee-afternoon/Special%20Committee%20on%20Athletics.mp4>.

The general page for this meeting (which also contains Health Services, previously reviewed) is:

[https://archive.org/details/health-services-committee-afternoon.](https://archive.org/details/health-services-committee-afternoon)

# No surprise

Sunday, October 22, 2023



Our weekly look at new weekly California claims for signs of recession produced - no surprise here - no such signs. Claims remain at pre-pandemic (boom) levels.

As always, the latest claims data are at <https://www.dol.gov/ui/data.pdf>.



# Charles Young (1931-2023)

Sunday, October 22, 2023



*Received through the Emeriti/Retirees Relations Center:*

Chancellor Emeritus Charles E. Young has passed away. During his 29-year tenure, he led UCLA in many new ventures and created the UCLA Emeriti/Retirees Relations Center in 1969...

He will be missed. It is likely Chancellor Block and UCLA will release a statement soon.

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As blog readers will know, former Chancellor Young was recently placed in hospice care:

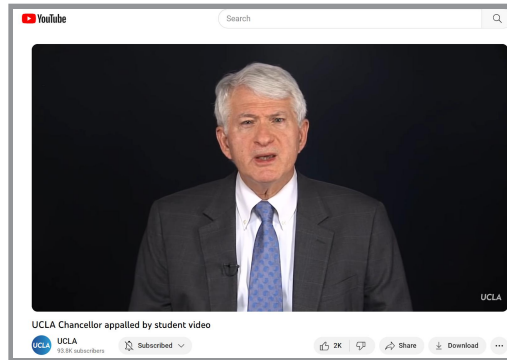
<https://uclafacultyassociation.blogspot.com/2023/10/information-on-former-ucla-chancellor.html>; [https://uclafacultyassociation.blogspot.com/2023/10/information-on-former-ucla-chancellor\\_19.html](https://uclafacultyassociation.blogspot.com/2023/10/information-on-former-ucla-chancellor_19.html).

UPDATE: The official UCLA obituary is now at:

<https://newsroom.ucla.edu/stories/charles-e-young-former-ucla-chancellor-has-died>.

# UCLA History: Chancellorial Responses in the Age of Social Media

Monday, October 23, 2023



I am not sure when the age of social media can be said to have begun. But students began to use social media early on. The notion of things going viral developed along with such usage.

Maybe the first episode in which something happened and the chancellor responded was the "Asians in the Library" affair of 2011.

It began with a student making derogatory remarks about Asians at UCLA and in the library in a YouTube video. Apparently, she was trying to start a blog and - with parental support - thought her remarks would attract attention for this endeavor.

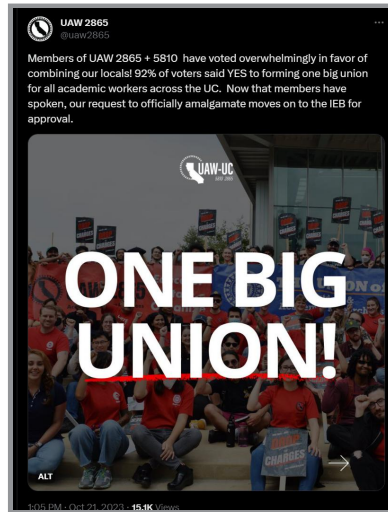
When attention was attracted - but not in the way she had hoped - she took down the video, but - of course - others put it back up at other links, e.g.: <https://www.youtube.com/watch?v=CA83ymTsMKU>. In any event, Chancellor Block very quickly put up his own video in response:

Or direct to <https://www.youtube.com/watch?v=6feGp0GQVJ8>.

There may be been similar occurrences at other universities. But at UCLA, "Asians in the Library" appears to be the point at which it was expected that the chancellor would respond on social media or in other ways to controversies on campus.

# UC Union Merger Voted

Monday, October 23, 2023



Aftermath of the student-worker strike:

*" Members of UAW 2865 + 5810 have voted overwhelmingly in favor of combining our locals! 92% of voters said YES to forming one big union for all academic workers across the UC. Now that members have spoken, our request to officially amalgamate moves on to the IEB for approval."*

From announcement on X (Twitter) at:

<https://twitter.com/uaw2865/status/1715776392347197481>.

# Traveling Heads

Monday, October 23, 2023



Yours truly is currently in Cambridge, MA, where that other school is. This past weekend, he saw the " **Head of the Charles**" regatta along with the accompanying **Heads of the Charles**.

# TMT Funding

Tuesday, October 24, 2023



The Hawaiian telescope project - TMT - in which UC is involved, has received funding from the National Science Foundation:

HONOLULU (HawaiiNewsNow) - *There's first-time funding for the embattled Thirty Meter Telescope from the National Science Foundation, but officials say the new infusion of cash doesn't mean construction is imminent. The foundation is an independent federal agency that supports science and engineering. TMT told Hawaii News Now the first \$6.5 million award is for design and development and does not represent a commitment for construction. The construction of the Thirty Meter Telescope on Mauna Kea has been stalled since protests in 2019.*

*This year, the National Science Foundation awarded \$6.5 million design and development of TMT and another \$6.5 million award to the Giant Magellan Telescope in Chile. "In 2024, we will budget again to continue with this process and they've asked for \$30 million of investment so we'll be able to move these projects forward as these review processes happen," said Dr. Sethuraman Panchanathan, National Science Foundation director at the CHIPS and Science Implementation and Oversight meeting on Capitol Hill on Oct. 4. TMT says the NSF funding helps prepare for next steps. The NSF is still considering comments for its environmental review from meetings last year that were filled with opposition.*

*"We obviously don't have it squared away on the Hawaii side, so we have to move in parallel paths in case everything comes together," said U.S. Sen. Brian Schatz (D-Hawaii). "We are working with the state of Hawaii to make sure that we are positioning the appropriate investments in a way that they can be sequenced at the right time," said Panchanathan.*

*"It's disappointing, but not surprising that this project continues to be pushed forward and that NSF continues to move forward," said Pua Case of Mauna Kea Education and Awareness. TMT opponents are getting ready for a state land board meeting early next month where its permit is being challenged. At issue is if TMT construction actually*

*started in 2019. "There are so many obstacles to this project and we the people are firmly committed. No TMT," said Case...*

Full story at <https://www.hawaiinewsnow.com/2023/10/20/tmt-says-first-time-funding-national-science-foundation-is-not-construction-commitment/>.

# Response from UC-Davis Chancellor

Tuesday, October 24, 2023



Yesterday, we posted an item about the history of chancellorial responses at UCLA.\* Over the weekend we posted about an incident at UC-Davis.\*\* Here is the response of Davis Chancellor May:

## **Checking In With Chancellor May: Standing With You**

by Gary S. May, October 20, 2023

To the UC Davis Community:

*Nearly two weeks ago, LeShelle and I awoke to the distressing news of horrific attacks on Israel. The actions of Hamas are morally reprehensible and indefensible. Since then, we've remained deeply troubled by the continuing violence in the region, including the devastating loss of civilian Palestinian lives in Gaza and the escalation of the ongoing humanitarian crisis there. We affirm the human rights of all people and the ability for everyone to live a peaceful and dignified life.*

*The loss of life is heartbreaking and these events are having a profound and personal impact on our campus communities and will for the foreseeable future. We have heard from students, staff and faculty, from a variety of backgrounds, who are living in fear, anger and distress. Some are directly impacted, having loved ones in Palestine and Israel, or having lost family and friends to the violence. Many fear for their own personal safety here at home as they hear irresponsible narratives in our national conversation espousing divisiveness and hate.*

*Let me be unequivocal: Hate has no place at UC Davis. We must collectively stand against all forms of anti-Semitism and Islamophobia, as well as anti-Israeli and anti-Arab sentiment. I issue a challenge to every member of our community to reach out and dig deep into your reserves of empathy and compassion for one another. We take any acts of hate or bias seriously.*

*I confirmed yesterday that the provost will refer to the appropriate campus departments a recent incident of revolting social media comments that were attributed to a UC Davis faculty member. If you experience or witness a hate incident, report it immediately.*

*I often say I am not a world leader. I am not an elected official. I do not make public*

*policy. I cannot shape events that are half a world away. What I am is the chancellor of the University of California, Davis, and holding this job is the honor of my life.*

*My responsibility as UC Davis chancellor is to provide for the well-being of the entire campus community and make it possible for tens of thousands of students, faculty and staff to learn, teach, live and thrive together. While there are no easy answers to the issues abroad, I remain committed to working closely with leaders in the Jewish, Muslim and other impacted communities in the coming days, weeks and months to make Davis a place where all can belong. I have already had many conversations with some members of these communities about what actions would be meaningful, and I will continue to welcome respectful dialogue.*

*UC Davis must be a space where individuals can freely express themselves, even though we don't always agree with one another. It has never been more important to understand that we can learn from those with whom we disagree and that people with backgrounds, histories and points of view different than our own also may be in pain.*

*Our formal university policies govern our interactions with one another, both inside and outside the classroom. While policies are important, there are times when we must hold ourselves to higher standards. In these moments we turn to our aspirational values, our Principles of Community, that call on us to treat one another with dignity, to foster mutual understanding and respect, to act with sensitivity and courtesy, and to reject discrimination and hate in all forms.*

*Remember that the campus has resources to support students through Aggie Mental Health and faculty and staff through the Academic and Staff Assistance Program.*

*Please know that LeShelle and I stand with and pray for all of you.*

### **Campus safety updates**

*Everyone deserves to work, study and research in an environment that is as safe as it can be. Last spring, our leadership team committed to work with our community to explore ways to improve lighting and overall campus safety practices. I am pleased to share some results of that commitment. We were approved to allocate \$20 million in campus funds over the next five years to improve lighting on campus, install more security cameras and improve Aggie Access, our system for building access and security. We will continue to update you as we implement these improvements.*

### **Student success and belonging**

*As the academic year unfolds, I am reminded of how our role in preparing students for success on campus and beyond gets to the heart of our mission at UC Davis. As I often say, my goal is for each of our students to have a job offer, a graduate school acceptance in hand, or even an entrepreneurial venture in process before I hand them a diploma.*

*Of course, in order for students to do well, it's crucial for them to have a sense of community. A recent study shows that students without a sense of belonging are less likely to complete school. Further, the study found that fewer than two-thirds of students who enroll in college finish their degree.*

*Current data shows that UC Davis is a place where students feel at home. According to*



*the 2022 University of California Undergraduate Experience Survey, 86% of respondents at UC Davis agreed at some level that they felt a sense of belonging.*

*For the state to thrive well into the future, we must build the skilled and diverse workforce needed for the decades ahead — a workforce that matches the population of California. A key way to do this is to increase our retention and graduation rates. This is especially true for our students from underrepresented communities. In the UC system, the four-year graduation rate for freshman underrepresented students is 61.6%, compared to 72.8% overall.*

*At UC Davis, social mobility is who we are. Upward mobility can transform students and their families for generations. We offer a path to a successful future.*

*Our student community centers are doing critical work to bridge retention gaps, helping students navigate college life, overcome academic challenges and celebrating their success along the way. These centers go beyond just providing a place to do homework or find tutoring. They offer unique communities for individualized academic support, along with access to basic needs resources such as housing, food stability and health care. They are pivotal cultural and identity-based spaces for students to form friendships and unwind.*

*The Center for African Diaspora Student Success, or CADSS, became the first UC Davis student retention and academic center when it was established in 2015. It grew from the Academic Retention Initiative to improve academic outcomes, when UC Davis recognized it needed to support students with a more holistic system addressing cultural experiences.*

*Our university continues to lead the way in creating places of belonging. Along with CADSS, the Center for Chicanx and Latinx Academic Student Success, or CCLASS, the Native American Academic Student Success Center — also known as The Native Nest — the LGBTQIA Resource Center, and Middle Eastern, North African, and South Asian Student Resources, or MENASA, are just a few of the centers and units that support our diverse student population and create lasting community.*

*I'd also like to note the good work from the Strategic Asian and Pacific Islander Retention Initiative, or SAandPIRI, supporting all Asian and Pacific Islander students with a special focus on Filipino, Southeast Asian, Native Hawaiian and Pacific Islander populations. Their new Office of Asian and Pacific Islander Academic Student Success is located at the University House Annex, with services that include academic advising, professional development, and cultural activities.*

*Visit the Student Affairs website for a full list of centers and services at UC Davis.*

*This is the UC Davis difference. In a May article from Inside Higher Ed, our university was spotlighted as a model for its support and success with identity-based academic retention centers.*

*Many of the centers also support staff and faculty. One example is our Veterans Success Center, which provides a space for student veterans, employees, service members and their dependents. This center includes a study lounge and break room, along with monthly events to support our students at UC Davis and for life after graduation.*

*Community doesn't just start and stop on campus grounds. Many student organizations, groups and clubs provide spaces of belonging. Groups such as Hillel at Davis and Sacramento, which remains a cornerstone of Jewish student life for more than 50 years and connects students with alumni and community members. The International House Davis is another well-established social community where people from all over the world come together to celebrate common humanity.*

*These critical programs and services help our larger community thrive together. I encourage students to take advantage of our centers and their tremendous resources.*

***In conclusion***

*I would like to offer my gratitude to the students, staff and faculty who make these centers and our campus — and the values of community, dignity and respect — come alive. In these trying times, our staff has reached out with compassion and immediacy to members of affected communities. People bearing different perspectives have offered education, empathy and a path forward, expressing themselves peacefully. These individuals embody the spirit of our university.*

*Sincerely,*

*Gary S. May*

*Chancellor*

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Source: <https://leadership.ucdavis.edu/news/checking-chancellor-may-standing-you>.

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\* <https://uclafacultyassociation.blogspot.com/2023/10/ucla-history-chancellorial-responses-in.html>.

\*\* <https://uclafacultyassociation.blogspot.com/2023/10/the-way-we-shouldnt-live-especially-now.html>.

# Don't Panic Yet

Wednesday, October 25, 2023



We are getting to open enrollment season. Many UC employees and retirees have health insurance through Anthem Blue Cross and use UC health providers. However, there is a current contract dispute between UC Health and Anthem Blue Cross over the terms of continued coverage. It should be stressed, however, that such negotiations often reach agreement at the last minute. From the [San Francisco Chronicle](#):

*More than 600,000 Californians who get medical care at UC Health hospitals through Anthem Blue Cross ...may need to find a different health insurer or pay out-of-network rates for services at UC Health next year if the two parties cannot reach a new contract by February. UC Health and Anthem, two of California's largest health industry players, are at odds over the terms of their future relationship. The current three-year contract was slated to expire at the end of December, but **both sides last week agreed to extend the deadline to the end of February to allow more time for talks.***

*Contract negotiations between health care providers and insurance companies are common and often involve disagreements over reimbursement rates. But the timing of this dispute is leaving many patients confused and frustrated because they are in their annual open enrollment period with their employers. **The uncertainty over whether UC Health will remain in network with Anthem makes it hard to pick a health plan for next year.** Those who want to continue seeing their same doctors at UC could choose to get coverage through another insurance provider, while those who wish to stick with Anthem Blue Cross could seek medical care elsewhere — meaning they'd likely have to find new doctors...*

*The number of patients who stand to be affected is also notable: The contract applies to all six UC Health academic hospitals which, in addition to UCSF, include UCLA Health, UC Davis Health, UC San Diego Health, UC Irvine Health and UC Riverside Health. It applies to Anthem Blue Cross PPO and HMO plans.*

*Both sides declined to specify what terms they disagree about that are holding up a new deal. UC Health said Anthem terminated the agreement without cause, and only recently agreed to reopen talks. "We remain seriously concerned about Anthem's decision to terminate the agreement and the potential impact on care for Californians," said UC Health spokeswoman Heather Harper. An Anthem spokesman said such talks are a routine part of renegotiating contracts with providers and that the insurer is working in good faith to reach a new agreement with UC Health by the end of the year...*

Full story at <https://www.sfchronicle.com/health/article/uc-health-anthem-blue-cross-18431769.php>.

# Charles Young (1931 - 2023) - LA Times Version

Wednesday, October 25, 2023



The [LA Times](#) obituary for former Chancellor Young is more nuanced than the official UCLA version that we linked to a few days ago:

## **Charles E. Young, UCLA's longest-serving chancellor, dies at 91**

By Stuart Silverstein & Rebecca Ellis

*Charles E. Young, the fiery, fiercely outspoken chancellor of UCLA credited with turning the campus into an academic powerhouse, died of natural causes Sunday at his home in Sonoma, Calif. He was 91. At the helm of UCLA for 29 years, Young oversaw its transformation from a small regional campus to one of the nation's premier research universities. "During his long tenure, Chuck Young guided UCLA toward what it is today: one of the nation's most comprehensive and respected research universities and one that is profoundly dedicated to inclusiveness and diversity," UCLA Chancellor Gene Block said in a statement announcing Young's death.*

*When Young started in the job at the age of 36 in 1968, he was the youngest chancellor in University of California history. When he retired in 1997, he would be one of the longest-serving leaders of an American university. UCLA grew rapidly under his watch. Its annual operating budget increased tenfold to \$1.7 billion. The number of undergraduates increased from 19,000 to 24,000. And the number of endowed professorships rose from one to more than 100. At the time of his retirement, the president of the American Council on Education called Young "one of the most admired and respected figures in American higher education."*

*Young regularly sparred with his bosses on the UC Board of Regents. Just months after becoming chancellor, Young famously refused to fire political activist Angela Davis, then an acting professor in UCLA's philosophy department, despite pressure from the regents after they learned she was a member of the Communist Party. Young would call the episode a "seminal moment" in his career, catapulting him into the national spotlight and allowing him to clearly carve out a position on academic freedom.*

*And when the board debated how to implement a ban on affirmative action in admissions, Young, a staunch supporter of affirmative action, rallied loudly against the plan. He often spoke publicly about the importance of ensuring public universities are easily accessible to students of color. “The notion that we’re doing it for ‘them’ is wrong,” Young said a year before he retired. “This is something we do for all of us.”*

*Through the years, the academic leader widely known as “Chuck” rode out the turbulence of campus radicalism and state politics. He was a commanding figure who came to be recognized as a superb manager with an exceptionally quick mind. And he lived down early skepticism that he was too young, too much the hand-picked choice of his predecessor, Franklin D. Murphy, and not enough of a scholar to last long amid the intellectual battles of academia. Charismatic and sometimes hot-tempered, Young defied the image of a bookish academic leader. He sought to run UCLA more like a private institution and was a respected fund-raiser who developed a network of high-profile entertainment friends such as composer Henry Mancini, movie producer Walter Mirisch and actor Charlton Heston.*

*Young earned a doctorate in political science from UCLA — only eight years before becoming the campus’ chancellor — but he had little or no work published in academic journals. “Young makes no pretense of being a scholar,” said a 1968 article in Time magazine about his selection by the Board of Regents to head UCLA. He was chosen, the magazine said, “primarily because of his record as an administrator who can get along with students,” during a time of heightened political tension because of the Vietnam War and the growing Black empowerment movement.*

*By the time he retired, UCLA’s faculty had doubled and the school’s operating budget was more than 10 times larger than when he started. On his watch, the number of endowed professorships climbed from one to nearly 120. During his reign, UCLA emerged as an athletic powerhouse, winning 61 men’s and seven women’s NCAA Division I team championships in an array of sports. He was not a distinguished athlete himself — his main achievement in organized sports was playing football in his senior year of high school. But he was an enthusiastic spectator at UCLA athletic events, rarely missing a home football or basketball game.*

*Early on, Young earned praise for his sympathetic handling of student unrest. A few months after he became chancellor, two student members of the Black Panther Party were killed on campus in an alleged dispute over the leadership of the Black Studies Center. Young helped calm the jittery school. Later, during Vietnam War protests, he refused to allow police to clear out students who had occupied administration offices. But one of Young’s most dramatic challenges came shortly after his formal inauguration as chancellor on May 23, 1969, when he defied UC regents by refusing to fire Davis over her membership in the Communist Party. The regents themselves eventually ousted Davis at UCLA, although she later returned to the UC system to teach at UC Santa Cruz and, in 2014, nearly a half-century after her ouster from UCLA, triumphantly returned to campus as a Regent’s Lecturer in gender studies, a prestigious appointment.*

*Young’s defense of Davis’ right to work at UCLA led to what he later described as an emotionally draining series of confrontations with then-Gov. Ronald Reagan, who urged regents to oust Davis. In 1970, Young told The Times, “At some point there has got to be a time when somebody in this university stands up and says, ‘I’ve had it. I’ve had enough.’ This is a real case of academic freedom because Angela Davis is an undesirable character to much of the public.... The place where you find out whether the*

*system works is in the tough cases, not the easy ones everybody agrees with.”*

*Years later, Young elaborated, saying, “I was not supporting Angela Davis, I was supporting the principle. Angela Davis was a mediocre scholar and a mediocre lecturer and a mediocre person, as far as I could tell.” Other academics, however, had a far more favorable view of Davis, whom they saw as an important intellect whose call for anti-racist action is only now being embraced.*

*Over his long tenure, Young encountered criticism over financial and compensation issues. An associate, a UCLA vice chancellor, was prosecuted, fired and forced to repay the university’s fund-raising foundation \$85,000 in disallowed expenses. Investigations found no impropriety by Young in that episode or with UCLA donors paying the rent for the chancellor’s summer beach house, yacht club membership or vacation trip to Tahiti — but criticism mounted. In the early 1990s, particularly after an unsuccessful bid to become president of the UC system, Young was faulted by critics for becoming a disengaged chancellor who was living like a highly paid corporate CEO. A Times investigation in the mid-1990s found that Young and his top aides in some cases were instrumental in giving special consideration in admissions, at the request of donors and other well-connected figures, to less-qualified or rejected applicants.*

*Young, in turn, occasionally unleashed his temper on his opponents. He triggered a brief flap with then-UC Regent Ward Connerly, a foe of affirmative action, by comparing him to the late Jesse Helms, a staunch conservative Republican senator from North Carolina who had voted against civil rights legislation. Young, though an ardent supporter of affirmative action, later apologized to Connerly.*

*When he announced his plans to retire, Young was widely praised for elevating UCLA’s stature, but some critics said his departure was overdue. Young endured turmoil and tragedy in his personal life. He was arrested for drunk driving after a car wreck near the campus in 1975, during a period of personal problems. Later on, he called it a “near-crisis situation” and admitted he had a problem with alcohol, which he resolved by getting sober.*

*Young was born in San Bernardino on Dec. 30, 1931, the only son of two psychiatric nursing aides at Patton State Hospital in Highland. His parents separated when he was a child. In his oral history, Young recalled a childhood of growing up in a rural, orange-growing region. He taught himself to read by age 4 and got his first job at a local packinghouse at 12. He attended San Bernardino Valley College, where he met his first wife, Sue Daugherty. They married in 1950, when both were 18.*

*Young soon dropped out of school and took a job in the appliance department of a department store. He was then called to active duty with the Air National Guard during the Korean War and served in Japan. After his stint in the military, Young returned to San Bernardino Valley College and became a determined, standout student. He went on to receive his bachelor’s degree at UC Riverside, where he was the new campus’ first student body president. From there he earned a master’s and a doctorate in political science at UCLA.*

*After serving as a congressional fellow in Washington, D.C., Young joined the staff of UC President Clark Kerr in 1959. In that role, he worked on the creation of the state’s master plan for higher education, which continues to guide policy in California. In 1960, the same year he earned his doctorate with a dissertation on legislative redistricting, Young went to*

*work on the Westwood campus as an assistant to Murphy, then the school's new chancellor. He quickly moved up the ladder, eventually becoming vice chancellor for administration and a full professor in the political science department before being named by UC Regents to succeed Murphy in 1968.*

*Two years after retiring from UCLA, Young accepted what was to be a short-term interim appointment as the president of the University of Florida in Gainesville, but he wound up staying for four years. Later, at age 72, he became president of an educational and scientific foundation in Qatar, a stint that lasted slightly over a year. In the fall of 2008, at the age of 76, Young returned to UCLA to teach an undergraduate public policy and political science course on the history of the American presidency. That same year, Young was asked by philanthropist Eli Broad to help lead the Museum of Contemporary Art out of financial peril after its endowment shriveled from \$40 million to \$6 million in just nine years.*

*Seemingly unable to retire for long, Young agreed in 2017 to take over as superintendent of the public school district in Sonoma, where he and his wife retired to be closer to family. The K-12 district was battered by financial difficulties and led by what he believed was a dysfunctional school board. But his affection for UCLA never waned, and he returned again and again, sometimes simply to stroll across the campus. "I'm amazed at the fact that I can wander around this campus and be treated like an old friend," Young said. "And I think, in a way, that's the accomplishment."*

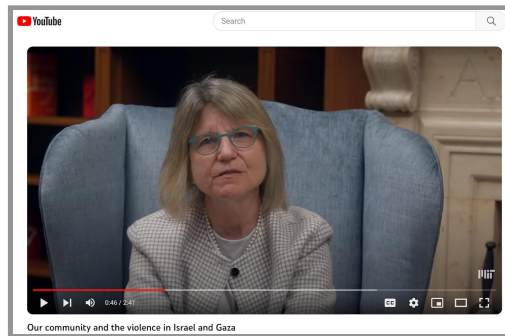
*His wife of 51 years, Sue K. Young, a major force in UCLA fundraising, died in 2001 after battling breast cancer for years. One of their two children, Elizabeth, died in 2006 after suffering a cerebral aneurysm while walking on the beach near Malibu. Young is survived by his wife, Judy Young, whom he married in 2002, and son, Charles Jr. In a statement Sunday, UCLA said it is planning an event in the coming months to celebrate his legacy.*

Source: <https://www.latimes.com/california/story/2023-10-22/charles-young-obit>.



# What Others Are Doing: MIT

Thursday, October 26, 2023



We posted some material about chancellorial responses to events recently at UCLA and UC-Davis. Yours truly happened to come across responses from the president of MIT, Sally Kornbluth:

October 11th:

Or direct to <https://www.youtube.com/watch?v=RrxKq98ngB0>.

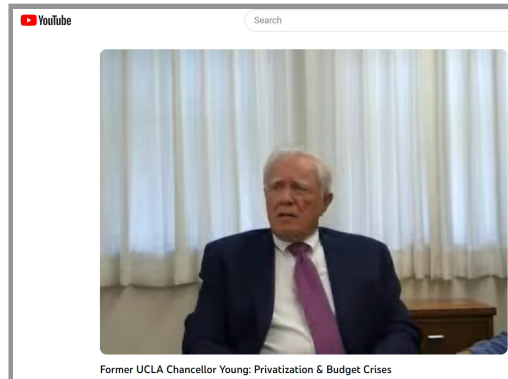
October 22nd:

Or direct to [https://www.youtube.com/watch?v=YwC7PS\\_eC-4](https://www.youtube.com/watch?v=YwC7PS_eC-4).

See also <https://president.mit.edu/updates/fostering-culture-free-expression-update>. (Oct. 23)

# An Interview With Former Chancellor Young on Budget Crises and on t...

Thursday, October 26, 2023



In 2008, as the state fell into a budget crisis, former Chancellor Young reflected on the resulting UC budget crisis.

Source: <https://www.youtube.com/watch?v=lhbcFzJskW8>.

On the Master Plan (in two parts):

Or direct to <https://www.youtube.com/watch?v=EwXRIUppNGc>.

Or direct to <https://www.youtube.com/watch?v=EumYSqyYN6I>.

# And Now for Something Completely Different...

Friday, October 27, 2023



*Yours truly is traveling so, while he does, here is something to think about: **Testing A Time-Jumping, Multiverse-Killing, Consciousness-Spawning Theory Of Reality***

Andréa Morris

Oct 23, 2023, Forbes

"This retroactive idea. It has to be that," says Nobel Prize-winning mathematical physicist Sir Roger Penrose, reflecting on a problem about the building blocks of reality that has dogged physics for nearly a century. "Any sensible physicist wouldn't be perturbed by this," he adds. "However, I'm not a sensible physicist."

If Penrose isn't a sensible physicist it's because the laws of physics aren't making sense, at least not on the subatomic level where the smallest things in the universe play by different rules than everything we see around us. He has reason to believe this disconnect involves a fissure that divides two different kinds of reality. He also has reason to believe that the physical process that bridges these realities will unlock answers to the physics of consciousness: the mystery of our own existence.

Penrose's contributions to math and physics are significant. He's proposed a theory of sequential universes that existed before the big bang, traces of which seem to be penetrating ours. He collaborated with Stephen Hawking on the Penrose-Hawking singularity theorems, identifying points in the universe, singularities, where the gravitational forces are so intense that spacetime itself breaks down catastrophically.

For decades, Penrose has been working with anesthesiologist Stuart Hameroff on a theory of consciousness called Orchestrated Objective Reduction (Orch OR). Penrose primarily handles the physics of Orch OR whereas Hameroff handles the biology. Their theory was formulated as a response to serious gaps in established scientific frameworks spanning physics, neuroscience and psychology. All, some or none of the hypotheses in this theory might prove out experimentally.

The Theory Starts With A Tiny Collapse

The smallest bits of matter in the universe are quantum particles. Quantum particles exist in multiple possible states at once. This is called a particle's superposition. A wave function is a mathematical term that describes the particle's superposition. A wave function can collapse, causing a particle's many possible states to reduce to a single, fixed state. Wave function collapse is important for reality as we know it. It's because of collapse that when we look at something with our naked eye, we see one thing. In the realm of big things, the world described by classical physics, we don't see one thing as multiple possible things all at once.

### The Connection Between Collapse And Consciousness

When scientists measure a particle, it seems to collapse to one fixed state. Yet no one can be sure what's causing collapse, also called reduction of the state. Some scientists and philosophers even think that wave function collapse is an elaborate illusion. This debate is called the measurement problem in quantum mechanics.

The measurement problem has led many physicists and philosophers to believe that a conscious observer is somehow acting on quantum particles. One proposal is that a conscious observer causes collapse. Another theory is that a conscious observer causes the universe to split apart, spiraling out alternate realities. These worlds would be parallel yet inaccessible to us so that we only ever see things in one single state in whatever possible world we're stuck in. This is the Multiverse or Many Worlds theory. "The point of view that it is consciousness that reduces the state is really an absurdity," says Penrose, adding that a belief in Many Worlds is a phase that every physicist, including himself, eventually outgrows. "I shouldn't be so blunt because very distinguished people seem to have taken that view." Penrose demurs. He politely but unequivocally waves off the idea that a conscious observer collapses wave functions by looking at them. Likewise, he dismisses the view that a conscious observer spins off near infinite universes with a glance. "That's making consciousness do the job of collapsing the wave function without having a theory of consciousness," says Penrose. "I'm turning it around and I'm saying whatever consciousness is, for quite different reasons, I think it does depend on the collapse of the wave function. On that physical process."

### The Missing Force

What's causing collapse? "It's an objective phenomenon," insists Penrose. He's convinced this objective phenomenon has to be the fundamental force: gravity. Gravity is a central player in all of classical physics conspicuously missing from quantum mechanics.

"There are a whole lot of people in this physics community who are trying to do quantum gravity," says Penrose. "The sort of view, I gather, is that quantum mechanics is somehow more basic than gravitational theory and therefore you've got to bring gravity into the scheme of quantum mechanics." With the majority of physicists wanting to bend gravity to accommodate quantum, Penrose pushes back. He sees some value in quantizing gravity, but he doesn't think it should be the focus. "That's not where physics should be going, not the experiments that should be done. It's the other way around. It's the influence of gravity on quantum mechanics. People don't recognize fully enough that quantum mechanics is an inconsistent theory. It's inconsistent with itself," says Penrose. "It's not our understanding of quantum mechanics that has the gap, it's the theory itself that has the gap."

Penrose takes a hard pass on Many Worlds or ideas about conscious ghosts in the quantum machine as a way to bridge this gap. His bridge is neither an illusion nor a ghost. For Penrose, wave function collapse is a real, physical, objective phenomenon: a gravitational field can't tolerate being in a quantum superposition, eventually collapsing the particle's wave function. According to Penrose, gravity-induced wave function collapse involves a process that jumps the particle back in time, retroactively killing off possible quantum realities in under a second. This reality-annihilating backward-jumping makes it as though only one, fixed classical reality ever existed.

Sorry multiverses. But the death of multiverses allows for the birth of consciousness. Penrose's theory proposes that each gravity-induced collapse causes a little blip of proto-consciousness: micro-events that get organized by biological structures called microtubules inside our brains into full-bodied awareness. A conscious observer doesn't cause wave function collapse. A conscious observer is caused by wave function collapse.

### From Incompleteness To Consciousness

Penrose's interest in consciousness was inspired by a revolutionary mathematical discovery nearly a century ago. In 1931, mathematician Kurt Gödel revealed his incompleteness theorems—theorems of mathematical logic that show there are statements in mathematics that must be true even though they can't be proven. Gödel's incompleteness theorems, and Goodstein's theorem sometime later, made an indelible imprint on Penrose. He took from these theorems that there's a unique property of the physical universe giving rise to conscious understanding. This is our human ability to understand truths that cannot be derived from the rules that gave us those truths. In other words, the rules allow us to ascertain truths beyond the rules. The ability to understand Gödel and Goodstein's theorems means there's something about our conscious understanding that is not confined to computational boundaries. Since all theories of physics are computational, Penrose believes something must be happening in the reduction of the quantum state that gives rise to non-computational understanding. "All I have are all the theories we know in physics. Computational, computational, computational. I mean, you've got to find room for this thing," says Penrose. He confirms that this thing that physics has to make room for is understanding.

### Faster Than The Speed Of Light

Quantum weirdness doesn't stop at a thing existing in multiple possible states all at once. Quantum behaviors also seem to defy the laws of physics. Like the law that nothing can travel faster than the speed of light. When two quantum particles get close enough, their wave functions become entangled. Once entangled, you can separate the particles across the universe and anything you do to one particle instantly affects the other. If you make a measurement on one particle, collapsing its wave function, it immediately determines the state of the other particle, even if the other particle is located across the universe. Einstein called this spooky action at a distance because it seemed to suggest information was traveling from one particle to another, faster than the speed of light. The 2022 Nobel Prize in physics was awarded to the team that proved entangled quantum particles do affect each other instantaneously even though they don't send a signal faster than the speed of light. "The quantum reality is, in some sense, not so fixed in spacetime," says Penrose.

### Backward Time-Jumping

According to Penrose, entangled particles merely appear to scientists as though they are affecting each other instantaneously. "It's not even instantaneous. It's more than instantaneous," says Penrose, who sees collapse as a sort of boundary. On one side is the classical reality we know, where things are in one single state in space and time. The other side of the boundary is quantum reality where space, time and possibilities have a lot more freedom. Wave function collapse is something like a gateway between quantum and classical realities. "It's how quantum and classical physics relate to each other. It's huge," says Penrose.

The price to traverse realities is charged to classical reality's timeline. Countless experiments show the collapse reduces multiple quantum states. Experiments also show this effect is instantaneous. But the effect may only seem instantaneous to us because the destruction of multiple quantum realities retroactively alters the classical reality timeline. In other words, classical reality retroactively emerges from the wave function collapse of quantum reality. Penrose calls this effect, aptly enough, retro-activity. It clears a path for making quantum behavior consistent with Einstein's theory of special relativity. Penrose thinks these backward time jumps are the only way a superposition can collapse into a single, fixed state and still remain consistent with results from experiments in both quantum physics and classical physics.

Special relativity says time passes at different rates depending on your frame of reference. This is called time dilation. Experiments show that time dilation is a natural part of how time works. "There isn't a universal time," says Penrose. The average person and even other scientists may be skeptical about the idea of retro-activity. It may sound like science fiction for anyone unaccustomed to thinking about general relativity, special relativity and a universe where past, present and future already exist in a four-dimensional block. "I've been thinking about it, not since I've been in the cradle exactly," says the 92-year-old, "but certainly a long way back." In his 1989 pioneering book on consciousness, *Emperor's New Mind*, Penrose first proposed the idea of a retroactive effect. In the book, he cautions that we may err when applying the physics of time to our conscious perception of time. He writes that consciousness is the only phenomenon in modern physics that requires time to flow at all.

Penrose's ideas about retro-activity as an explanation for quantum anomalies are only recently gaining traction. Retrocausality is the proposal that a measurement in the present can change a particle's properties even before the measurement was made. "You need this distinction between the two realities," says Penrose. Classical reality and quantum reality are fundamentally different realities. He adds that even the notion of before and after may be incoherent in quantum reality.

Why might gravity-induced wave function collapse produce non-computational consciousness? Consciousness "could be non-computable because it's retroactive," says Penrose.

### Conscious Choices

For Penrose, this retro-active process helps explain how athletes make rapid decisions under extreme time constraints. "I used to play a lot of ping pong," says Penrose. "If I suddenly decide I want to shoot the ball this way rather than that way, I consider I'm making that decision consciously. Now that's far less than half a second." The process of taking in sensory information, making a decision and then acting, is a relatively lengthy physiological process. Decisions that involve a rapid reaction time are thought to be

made unconsciously. According to cognitive psychology and neuroscience, the sense afterward that we made a conscious choice is an illusion. Penrose could never swallow this explanation. “Your conscious internal experience might be a kind of quantum reality,” offers Penrose. He suspects we may, on some level, be conscious of all the possible realities that get retroactively annihilated in under a second.

“The argument is that there would be something in quantum superposition between this action and that action—somewhere at the earlier stage in the brain when these two procedures are in quantum superposition,” says Penrose. “So the quantum state would contain both those alternatives. And then, when you decide to do one, it retroactively goes back.” Jumping back and overwriting multiple quantum choices makes it as if there was only ever one, fixed classical choice. “Conscious experience happens in quantum reality. And classical reality is retroactively determined by that,” says Penrose. He’s quiet for a moment before gently voicing a concern that people might misinterpret what he’s saying about retro-activity, but mainly because he’s still working out the details and potential paradoxes himself. “It’s too easy for people to speculate in ways which are almost certainly wrong,” says Penrose before emphasizing that retro-activity can only happen along the past light cone. The past light cone is a cone-shaped region in spacetime that represents every single past event that could have influenced a particular event. If retro-activity happens, it happens within these parameters.

### The Critics

Penrose doesn’t shy away from lobbing bold ideas into the public square of scientific debate before he’s worked out all the details. In turn, the scientific community doesn’t shy away from piling on when someone in their camp goes rogue. Penrose recalls giving a talk at the California Institute of Technology on his heterodox ideas in cosmology. Physicist Richard Feynman attended so he could heckle Penrose. Over the course of the talk, Feynman grew intrigued by what Penrose was saying. When another physicist heckled Penrose, Feynman turned in his seat and told the heckler to shut it and let the man speak.

Today, Penrose gets accused of making unsupported connections between strange phenomena in quantum mechanics and the mystery of consciousness. “People complain to me ‘he’s just saying, here’s a mystery, there’s a mystery, therefore they’re the same thing.’ That’s not what I’m saying,” says Penrose. “I can see why they complain that way. It’s not that.” Over the next hour he describes alternative theories and gives reasons for why he doesn’t think they’re credible. It’s unclear to what extent he’s driven by the reasoning of his own theory or by the implausibility of any alternatives. He suggests that the only other good alternative might be a theory that no one has thought of yet. As things stand, he feels that both classical physics and quantum mechanics are extraordinary theories. Both have proven to be extraordinarily precise when tested. So Penrose is writing a chapter in modern physics that he hopes will unite them: “I think measuring the collapse of the wave function is the most important experiment anybody should do and not many people are trying.”

His polite skepticism and genial demeanor belies an unflagging determination to see his own ideas either proven out or falsified. There are three core hypotheses to be tested experimentally:

- 1) gravity causes wave function collapse

2) the collapse involves retro-activity

3) consciousness comes out of this process

### Testing Gravity-Induced Wave Function Collapse

In 2022, a group of scientists ran an experiment and published a subsequent press release claiming they disproved Penrose's theory by disproving a prediction made by physicist Lajos Diósi. Diósi and Penrose had a similar timescale for how long it would take gravity to collapse the wave function. Their ideas were folded together and coined the Diósi-Penrose model. "Diósi's model has some problems, very serious problems, which is that it doesn't conserve energy," says Ivette Fuentes, a physicist at University of Southampton and Oxford Fellow. Diósi and Penrose agreed that gravity causes wave function collapse. They also agreed about how long it would take. For Diósi, however, gravity-induced wave function collapse involved radioactive heating. The 2022 experiment did not find radioactive heating, thereby disproving Diósi's theory. For Penrose, however, there is no radioactive heating because the collapse involves retro-activity. There were other issues with the experiment. "One of the things Roger predicts is that if you have a particle in a superposition, a massive particle in a superposition, it will collapse," says Fuentes. "But the [Diósi] experiment doesn't have a superposition. The experiment was one big mass not in a superposition."

Solids like mirrors, levitated nanobeads and diamonds are traditional materials for testing wave function collapse. Fuentes has a unique, non-solid approach. She cools atoms to the absolute lowest temperature possible on earth, turning them into a new state of matter resembling a gas. This kind of matter is called Bose-Einstein Condensates (BECs). Fuentes' work with BECs caught Penrose's attention and the two began collaboration on an experiment using BECs to test the first stages of gravity-induced wave function collapse called the shaking of the building. When testing a quantum particle in BECs, "the system behaves very differently and it's very sensitive to gravity," says Fuentes.

Like Penrose, Fuentes embraces the inclusion of consciousness in physical theories, as long as physical theories provide an explanation for what consciousness actually is. From the time she was in high school, Fuentes wanted to understand how consciousness emerged from the interaction of atoms and molecules. In the 1990s, there was not a single scientific discipline where consciousness was considered a serious area of study. Family members in science and medicine advised her to go into psychology or neuroscience, two areas proximal to her interests. Fuentes had a sense that answers to her questions weren't going to be found in those fields, so she became a physicist. Now she designs out-of-the-box ways of testing problems about our understanding of the universe. Increasingly, this path seems the surest route back to her original question. "We're at the brink of some sort of shift or change in which we will have to incorporate mind and consciousness to make a fuller picture, a better picture," says Fuentes adding, "I do think we need a change. And I do think that it involves having mind as part of the equation. And maybe, by this shift, we'll be able to understand why we were banging our heads not being able to bring quantum mechanics and general relativity together."

Penrose and Fuentes teamed up with quantum physics experimentalist Philippe Bouyer at University of Amsterdam to design the BEC experiment. They've raised \$2 million USD from global philanthropists. The project needs an additional \$4 million. Once funded, the experiment will take approximately five years to complete.



If gravity-induced wave function collapse can be proven with BEC experiments, Penrose still needs to prove this process involves retro-activity and consciousness. He has ideas about testing for retro-activity using the Italian Space Agency's mirrored disco-ball-like LARES satellite. Still, neither satellites nor BECs have anything to say about consciousness. If BECs are systems sensitive enough to test for gravity's influence on quantum particles, Penrose thinks human beings might be physical systems sensitive enough to test for consciousness registering retro-activity.

### Retroactivity In Psychological Experiments

"Am I the last survivor of the team?" asks Dennis Keith Pearl, statistician and co-author of a 1979 experiment led by late psychologist Benjamin Libet. Libet was the first Nobel recipient in psychology. He's best known for his seminal research that seems to show that our choices to act are too slow to be made consciously. The brain "registers" the decision to make movements before we consciously decide to move. Libet studies are controversial because they seem to do away with free will. Penrose isn't too concerned with free will, but he does believe our choices are made consciously, not unconsciously, regardless of whether or not they're free. Decades ago, physicist Erich Harth, a colleague of Penrose, brought Libet's 1979 experiment to Penrose's attention. Harth thought it may contain evidence that the brain is registering retro-activity. Retro-activity could give us the fractions of a second we need to salvage conscious choice. Harth included an interpretation of the Libet study in his book *Windows On The Mind*.

Pearl was a graduate student in 1979 and the youngest on Libet's research team, which included California senator Dianne Feinstein's husband, neurosurgeon Bertram Feinstein. "Too bad you weren't asking me 10 years ago," says Pearl as he struggles to remember details from a half-century-old experiment. "I had a box full of all the original records from my work with Ben," says Pearl. "I had lots of notes from Ben and original graphs and things like that." Pearl had never been contacted about his work with Libet, despite the fact that Libet names Pearl in his written defense of his research, at one point writing in the journal of *Consciousness and Cognition* to "take up any statistical difficulties with Dennis Pearl." Boxes of materials and raw data were tossed out during a move a decade ago. Now Pearl carefully inspects the graphs that Harth constructed, graphs interpreted from the 1979 study. "I think everything that [Harth's] got on this graph is correct in terms of what's reported," says Pearl.

He's drawn to Penrose's use of probabilities in consciousness. He recalls a Libet experiment that he thinks might be of interest to Penrose. Libet stimulated a subject with a short burst of stimulus, and asked the subject if they felt it. The subject would report they did not. So Libet would ask the subject to hazard a guess. An ultra-short burst of stimulus that wasn't likely to be felt resulted in sheer random guesses. As the bursts extended in duration, the subject would continue to report they couldn't feel anything. However, guesses started to improve with accuracy until guesses were 100% accurate.

"[Libet] sent me some data and I looked at the curve and said, you know, these guys are getting it right," says Pearl, recalling the conversation with Libet about a smooth probability curve from unconsciousness towards consciousness. "There's a fuzziness of time. That fuzziness is more on a probability scale. It's moving toward complete awareness, but in the meantime, there's some sort of a semi-foggy kind of period," says Pearl, cautioning that he's thinking about this as a statistician, not a neuroscientist or a physicist. He combs through papers trying to find the study where these results were

published. Ultimately, he can't. He wonders if it never made it into a publication because the experiment was only done on two patients.

Pearl takes another look at Harth's graph. This time, something jumps out at him: the timescale from the infamous Libet clock. In the 1979 experiment, the duration of stimulus was timed precisely but not the subject's response. The timescale is an imperative detail. Without it, evidence for retro-activity in the 1979 experiment never existed. Left in its place isn't a fixed classical state so much as an open question: Harth's mistaken interpretation of retro-activity in the Libet experiment doesn't undermine the retro-active hypothesis in physics. In fact, remove the Libet clock and there's nothing in physics preventing retro-activity from jumping even further back in time. So the question remains—if backward time jumps are happening, would it impact how we observe reality? And would that impact psychology studies in unexpected ways?

"Our results, there's something weird happening, and we're trying to get to the bottom of it," says cognitive scientist Marc Buehner, co-author of the study *Human Vision Reconstructs Time to Satisfy Causal Constraints* published in the journal *Association for Psychological Science*. "The visual system reorders the evidence, as it comes in," says Buehner. Imagine a game of pool. The white cue ball hits a yellow ball and a yellow ball then hits a purple ball into the corner pocket. There's a causal chain of white hitting yellow causing it to hit purple into the pocket. Buehner's study shows that at least sometimes, our visual system lies to us about this causal order. Buehner and his team conducted experiments where an ABC causal sequence is presented to subjects out of order. Instead of ABC, the researchers mixed up the sequence so C moved inexplicably before B. Subjects saw this ACB disordered sequence but reported an ABC order, despite repeat viewings of the out of order sequence.

"It's basically as if the visual system actually reverses it. So it turns ACB into ABC," says Buehner. "This weird stimulus as a whole, for reasons that are still not really quite known to us, creates an expectation of this causal event. So the expectation is that it should be ABC, and that expectation clashes with reality," says Buehner. Interpreting sensory information from the environment to create a mental representation of the world involves a process we're not aware of. It's automatic and not consciously controlled. "What we demonstrated in this paper is that perception actually changes," says Buehner. The researchers ruled out a false memory of what the subjects just saw, called post perceptual distortion or reinterpretation. The effect also can't be explained by lapsed attention, or rapid, jerky eye movements we make when we shift our gaze, called saccades. "So you could say, oh it's just another one of those visual illusions. Because I asked you afterward, it's kind of like a post fiction. So you try to make sense of it. There's this weird thing you try to make sense of," says Buehner. "Except that's not what's happening. We could show that you actually perceive the motion onset in the B stimulus as later and the motion onset of the C stimulus earlier. So you actually perceive a reversal live—as it happens."

An underlying assumption in perceptual science is that the brain uses sensory input to create mental representations of the world that correspond to what's actually happening out there. This is referred to as veridical representations—mental pictures that align with reality. Studies like Buehner's would suggest that either assumptions about the brain might be wrong, or assumptions about reality. "I'm not sure that I would necessarily want to make grand claims that potentially results are driven by some kind of like, you know..." Buehner presses the air with his fingers, "tapping into quantum mechanics. But if that's what's behind it, hey, that'd be super cool. But I want to be cautious." Buehner adds that it

would be good to know if physics is doing something weird that's responsible for unexplained results in psychological experiments.

### Could Consciousness Dethrone Spacetime?

Is it outrageous to imagine developments in physics could upend findings in cognitive science? "All of my colleagues, and again, these are my friends and they're brilliant, but they believe that space and time are fundamental and that brain activity causes conscious experiences," says Donald Hoffman, cognitive scientist and author of the book *The Case Against Reality: Why Evolution Hid the Truth from Our Eyes*. Hoffman rejects Orch OR's depiction of reality along with every other physical theory. He thinks the long-standing barrier between classical physics and quantum mechanics is because we're assuming space and time are fundamental. "Spacetime—we thought it was the final reality. It turns out it's just a trivial data structure and there are much deeper and much more fascinating structures entirely outside of spacetime," says Hoffman.

He echoes Nima Arkani-Hamed, a theoretical physicist at the Institute for Advanced Study at Princeton university who says spacetime is doomed. Hoffman's research suggests that the underlying assumptions in perceptual science, neurophysiology and psychology are wrong—the brain does not use sensory input to create accurate mental representations of reality. Hoffman ran simulations using evolutionary game theory and observed that evolution selects for fitness over truth. According to Hoffman, we perceive a completely false reality that is far more practical for survival, useful illusions that lead us far afield the truth-seeking path.

The alternative theory Hoffman proposes is that conscious entities are fundamental entities that exist beyond spacetime. These entities are us. And we are also avatars of a single conscious entity that Hoffman calls the "conscious aleph infinity agent." We interact with each other via an interface whose format is spacetime. For Hoffman, what's really going on outside of conscious awareness is so complex, involving non-spacetime dimensions numbering in the trillions or quadrillions. Our simple human minds created an ultra-compressed version of reality stripped of details that would break our brains—if we actually thought with our brains, which Hoffman sees no convincing evidence for.

Hoffman is critical of theories of consciousness like Orch OR. "There's not a specific conscious experience that they can explain. Not one," says Hoffman. Whereas modern physics has mostly omitted consciousness from theories of reality, Hoffman believes consciousness is the starting point for a theory of reality. He claims to start with a mathematically precise theory of consciousness from which physicists can derive reality. "I'm not going to stipulate all of the other stuff that they stipulate," says Hoffman, who considers each and every conscious experience fundamental. The taste of chocolate ice cream and an infinite variety of experiences are irreducible and fundamental.

"What I think science has taught us that spiritual traditions didn't understand," says Hoffman, "is that imprecise theories don't get you anywhere or they can get you in trouble. You can start fighting with each other and be dogmatic and kill each other because you disagree on descriptions. Once you start having mathematically precise descriptions you're forced to really look at your experiments carefully," says Hoffman, whose theory is based on Markov chains. A Markov chain is a mathematical construct, a system that undergoes transitions from one state to another according to certain probabilistic rules where nothing about the past affects the probability of the future. "The math is absolutely essential to the correct interpretation or more useful interpretations of

the experiments,” says Hoffman.

Hoffman’s math leads him to conclude that we are avatars of a superconscious or arch-conscious agent. The arch-conscious agent puts us avatars through the paces of an infinite number of experiences, no matter how joyous or horrific, so that the arch-conscious agent can experience everything. Hoffman also warns against overidentifying with our self, because the self is an avatar. What’s more: “You are not any particular experience. You are the potential in which those experiences arise and disappear. That’s what you really are in your essence. You transcend any particular experience because you are that potential,” says Hoffman.

Hoffman’s theory of consciousness resonates with many spiritual narratives, suggesting a unifying force exploring all of its potential. Because of this, it confronts significant ethical questions, grappling with notions like whether we, at the most fundamental level, are a powerful conscious force willingly subjecting ourselves and others to the most painful, terrifying and tragic experiences just to satiate a gluttonous drive for experience. Its intriguing alignment with spiritual philosophies means Hoffman’s theory faces the same daunting challenge of explaining the existence of evil and suffering. Hoffman’s theory is quite popular. His interview with Lex Fridman has over 6.4 million views on YouTube. “Spacetime is over. It’s not fundamental in any sense. It’s not like we have to go do smaller things inside spacetime. We have to go entirely outside of spacetime,” says Hoffman.

“Okay, I’m the conservative person,” laughs Penrose upon learning of Hoffman’s view. Penrose is a physicalist. Whatever consciousness is, he’s convinced it can be explained by the laws of physics, and he’s fairly confident our current theories give us at least some idea of what those laws are. “It’s hugely tempting to go off in a wild direction,” says Penrose, highlighting the risky business of trying to account for consciousness scientifically. He raises a concern that throwing around mathematical terminology can make a theory seem more credible than it is. Experiments are the anchor for any scientific theory. Hypotheses must be tested and the model subjected to experimental falsifiability to qualify as a scientific theory. It must have the potential to be disproven in order to distinguish itself from pseudoscience. According to Penrose, there’s a risk of getting caught up in the beauty of a precise mathematical theory. “I think it’s dangerous,” says Penrose, “It could be that there’s a deeper beauty which tells you why the thing you thought was true is not true.” Given the track record of experimental success for both classical physics and quantum mechanics, and the lack of evidence needed to replace all of physics with a conscious agent, Penrose doesn’t see the rush to flip the table on spacetime. “It’s just that the laws of physics may be more puzzling than we think they are,” says Penrose.

#### Can Artificial Intelligence Ever Be Conscious?

When it comes to the suddenly salient question of whether or not AI could be conscious, Penrose draws again from Gödel and Goodstein’s theorems. Computer science is built on formalized systems. They’re confined by computation. For Penrose, AI built on classical computers today isn’t capable of true understanding or consciousness. After some consideration, he adds a caveat when it comes to quantum computers: “You put wave function collapse into its process somehow...”

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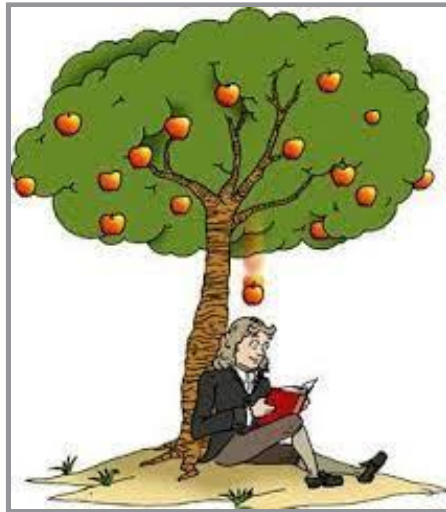
For an in-depth discussion about this theory, including Penrose’s Hemingway Paradox,

watch the interviews with Penrose that were the basis for this reporting:  
<https://www.youtube.com/watch?v=itLIM38k2r0>.

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Source: <https://www.forbes.com/sites/andreamorris/2023/10/23/testing-a-time-jumping-multiverse-killing-consciousness-spawning-theory-of-reality/>.

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*So, whaddya think of them apples?*

# Regent Hernandez at CUCEA

Friday, October 27, 2023



Regent Jose Hernandez was a guest speaker via Zoom at the fall meeting yesterday of CUCEA, the Council of University of California Emeriti Associations. He has an interesting background which he described and is the only former astronaut on the Board. You can hear an audio of his remarks at the link below:  
Or direct to <https://www.youtube.com/watch?v=KtFPyW4iGsl>.

## Don't Panic - Part 2

Saturday, October 28, 2023



Blog readers may recall our prior post - based on news reports - that UC Health and Anthem Blue Cross were in a contract renewal dispute. It was also noted that such disputes often occur with a resolution eventually reached.

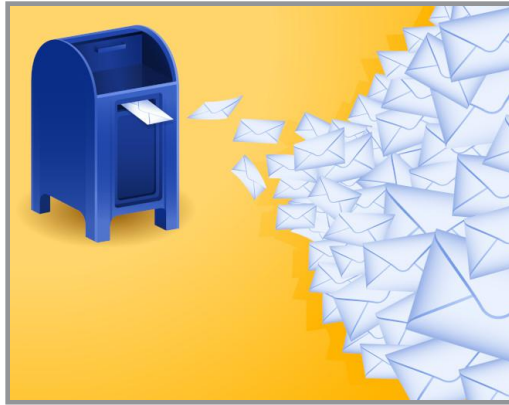
As it happens, CUCEA and CUCRA (the two systemwide organizations for emeriti and retirees) had a joint meeting on Wednesday in person at UC-Davis and via Zoom. The key thing learned there is that the current negotiations do not affect the UC health plans provided through Anthem Blue Cross. The UC plans are separate from others and will run through 2024 regardless of what occurs in the above-mentioned negotiations. **So, you can either renew or choose and Anthem Blue Cross plan at UC as an employee or emeriti/retiree during open enrollment without worrying that it will be somehow discontinued.**

Below you can hear Cheryl Lloyd, Chief Human Resources Officer for UC, explain the situation:

Or direct to <https://ia804509.us.archive.org/27/items/health-services-committee-afternoon/Anthem%20Blue%20Cross%20Issue%2010-25-2023.mp4>.

# Whatever Happened to Mail Privilege?

Saturday, October 28, 2023



From the Bruin: *Residents of Gayley Heights have complained of problems with receiving their mail. Gayley Heights – which opened in fall 2022 – is a 17-story high-rise that houses 1,167 residents in a variety of apartment configurations. However, several students have reported issues receiving their mail because the building does not have a central mailroom.*

*Ani Gokul, a fourth-year computer science student, said he ordered a textbook on Amazon prior to his first day of classes that was delivered on time. He added that when the textbook arrived, he was unable to find it among the piles of mail in the Gayley Heights lobby and had to order another copy of the textbook to an on-campus Amazon locker after classes had already begun. “It’s a very difficult class I’m taking, ... and that had cost me extra money to order another version of the textbook to come to the Amazon locker,” Gokul said.*

*Asher Charno, a second-year architectural studies student, said the lack of a mailroom at Gayley Heights has also forced him to order his packages to Amazon lockers and letters to the UCLA Housing Mail Center in Delta Terrace. He added that he feels uncertain that mail delivered to Gayley Heights will not be stolen. “There’s nowhere to store it (my mail at Gayley Heights), so everything just goes into a pile,” he said. “Anyone can take anything.” ...*

Full story at <https://dailybruin.com/2023/10/24/gayley-heights-residents-report-delays-disorganization-when-receiving-mail>.



## Another Cautionary Title IX Story – Part 3

Sunday, October 29, 2023



We have been following a case in which a Yale student was "convicted" of sexual assault in a Title IX process at Yale and expelled as a result. But he was then acquitted in a regular court proceeding and is now suing the accuser and Yale for defamation.

The defense argued that testimony in the Yale proceeding could not be used for defamation, but courts - including the Connecticut Supreme Court - have ruled that because due process wasn't provided in the Yale process, such protection does not apply.

The case now seems to have gotten into the federal court system and is producing the same result: Absent due process, testimony in a university process is not protected and the defamation suit can continue. A federal court of appeals has ruled:

... “ *absolute immunity does not apply in this case because Yale’s disciplinary hearing was not a quasi-judicial proceeding in that it lacked procedural safeguards—e.g., an oath requirement, cross-examination, the ability to call witnesses, meaningful assistance of counsel, an adequate record for appeal—associated with judicial proceedings.*” ...\*

Yours truly is no legal expert, but it seems clear that Yale and the accuser would have been well served by a process that provided basic due process. We noted in a prior post on this case that Yale has unionized workers.\*\* Unionized workers typically have a grievance and arbitration process that provides basic due process, e.g., witnesses are cross examined, etc. Outside courts look for such features because they are essential judicial practices.

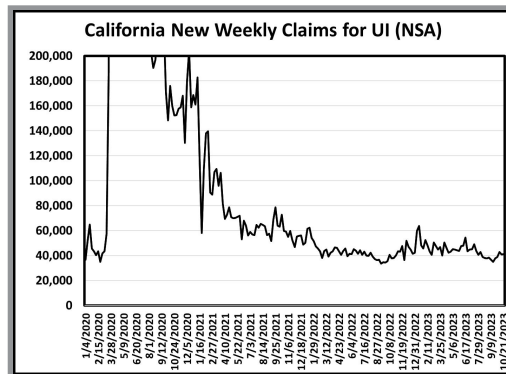
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\* <https://www.insidehighered.com/news/quick-takes/2023/10/26/former-yale-student-can-sue-accuser-defamation>.

\*\* <https://uclafacultyassociation.blogspot.com/2023/07/another-cautionary-title-ix-story-part-2.html>.

Nada

Sunday, October 29, 2023



Our weekly look at new weekly California claims for unemployment benefits again finds nothing indicating a recession. The numbers - although they wiggle around - have remained at pre-pandemic (boom) levels. Of course, there is lots going on in the world now including two wars. And there are some signs of slowing in the economy. But as blog readers will know, the UCLA Anderson forecasters don't see signs of recession.

As always, the latest claims data are at <https://www.dol.gov/ui/data.pdf>.

# Rising UC Health Insurance Costs for 2024

Monday, October 30, 2023



Letter from Council of UC Faculty Associations to UC President Michael Drake and the UC Regents objecting to healthcare benefit costs to employees increasing by 22% to 193%, depending on plan and coverage.

President Michael V. Drake

Office of the President

University of California

1111 Franklin St., 12th Floor

Oakland, CA 94607

Delivered via Email to: [president@ucop.edu](mailto:president@ucop.edu)

Dear President Drake,

*Starting today, every UC employee received an Open Enrollment notice with new rates for healthcare benefits. UCOP presented these changes to UC Unions and the Council of UC Faculty Associations just three days before the start of Open Enrollment, leaving no opportunity for any input.*

*The increases in the employee health benefits share are unprecedented and alarming. Costs for healthcare benefits will be going up between 22% and 193% per month, depending on one's plan and coverage. For example, if you currently pay for Kaiser for yourself and your spouse/partner, your cost will increase by 74% on January 1. Employees who insure themselves and their whole family (spouse/partner + children) through UC Health Savings Plan will see an increase of 171%. Every health benefit plan and coverage tier is affected, and these changes will impact the over 200,000 employees who receive benefits in the UC system.*

*Struck by the exorbitant increases, the UC unions and CUCFA pressed for answers. UCOP representatives cited inflation, deferred preventative care during the pandemic, rising drug costs, and clinical workforce shortages as root causes for these price increases. While these are all real issues impacting healthcare costs everywhere, when pushed for details about how prices were negotiated and set for UC employees, UCOP's answers were unsatisfactory and lacked transparency.*

*For example, the cost to employees is determined by the insurance company rate increase less the employer share contribution. UC did not provide information about either the rate increase or the employer contribution, so there is no way to tell if UC is paying its share of the increased cost. But other sources indicate that Kaiser's rate increase was probably about 15% this year[1], which would mean that UC reduced its share of contributions by about 20%.*

*We object to these unreasonable increases in our health benefit costs and UC's secrecy and nontransparency in devising and announcing these policies. Your approach serves not only to degrade and disrespect UC's academic employees but also contributes to the ongoing severe erosion of UC's teaching and research mission. You will be hearing more from CUCFA, the UC unions, and the 200,000 people in the UC community who are now learning about how their lives and livelihoods will be devastated by the poorly warranted policy changes to our healthcare that UCOP has sprung on them.*

Sincerely,

Constance Penley

President, The Council of UC Faculty Associations

Professor, Film and Media Studies, UCSB

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cc: The UC Regents

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Source: <https://cucfa.org/2023/10/objection-to-unreasonable-increases-in-health-benefit-costs/>.

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PS from this blog: UC retirees under the various UC health plans also received notice of significant rate increases for 2024. It might be noted that the Medicare Choice (Medicare Advantage) option for retirees has particularly large increases. (Medicare Advantage is the privatized version of Medicare which now has more than half of all Medicare participants enrolled.

## Don't Panic - Part 3

Monday, October 30, 2023



Blog readers will already know the substance of the official message below (from Part 2) that will soon circulate by email - if it already hasn't:\*

*" You may be hearing that Anthem Blue Cross and UC's health system are in negotiations to keep UC health care providers in the Anthem Blue Cross network when their current agreement expires on December 31, 2023. These negotiations do not affect the in-network availability of UC Health facilities and providers for UC-sponsored Anthem Blue Cross health plans. More specifically, the Anthem Blue Cross-UC Health negotiations do not apply to:*

- UC employees and retirees who have coverage through the UC Care, UC Health Savings and UC Core plans.*
- UC retirees who have coverage through a UC-sponsored Medicare Supplemental plan including High Option, Medicare PPO with Rx and Medicare PPO without Rx.*
- UC students with UC SHIP (Student Health Insurance Plan) coverage.*
- UC medical residents and medical school fellows in the Residents and Fellows Anthem Blue Cross PPO plan. Rest assured your UC-sponsored plans are not impacted."*

Of course, this reassurance will not help you with regard to the cost of the plans, as our other posting today discusses!

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\* <https://uclafacultyassociation.blogspot.com/2023/10/dont-panic-part-2.html>.

# Reminder: New Master Plan Needed

Tuesday, October 31, 2023



## Gov. Pat Brown signs law implementing the Master Plan (1960)

From time to time, we like to remind folks of the need to establish a new Master Plan for Higher Ed process. The old 1960 Master Plan emerged as a way to provide a division of labor between the three segments of higher education: UC, the state colleges (now CSU), and the community colleges. At present, absent guidance, there are ad hoc moves under pressure from the legislature or due to pressure on the legislature. A recent example below:

*California has approved two new bachelor's programs at community colleges, including a bachelor of science degree in biomanufacturing at Los Angeles Mission College in Sylmar. Dean of Academic Affairs Farisa Morales said offering a bachelor's degree was a logical next step for LAMC, since biotechnology companies are already recruiting students from the school's certificate program. "It's so inspiring to work at a community college - where I went to, by the way, as a student - and see how our community gets revitalized," Morales said...*

Full story at <https://laist.com/news/education/la-mission-college-joins-growing-number-of-community-colleges-offering-bachelors-degrees>.

I haven't seen the UC Regents discuss this issue, probably because most of the *ad hoc* development involves the community colleges encroaching on CSU. But UC is in fact depending on having transfer students from the community colleges and some may not appear if bachelors degrees are provided locally.

## And yet more on the data manipulation affair

Tuesday, October 31, 2023



Back on October 3rd, we ran some excerpts from a lengthy [New Yorker](#) article on the data manipulation affair that touches both Harvard and Duke.\* Now, in reaction to that article, there is a lengthy piece by a former PhD student - Zoé Ziani - describing the pushback which she received when she - who doesn't want to be sued\*\* - began to uncover suspicious aspects of the data used in one of the papers at issue:

*...The story so far is very banal. I, a (very) early-career researcher, took a deep dive into a famous paper and discovered inconsistencies. These stories always start with “that’s odd...”, “it doesn’t make any sense...”, or “there is something off here...”. Then, I second-guessed myself, a lot. After all, the authors are famous, serious people; and the paper is published in a prestigious peer-reviewed journal. So I thought “I must have misunderstood,” “I must be missing a part of the puzzle,” “it was probably addressed during the peer review process”... Then, as I finally grew more confident that the issues were real and substantial, I decided to write about them.*

*What should happen then (if science were, as many people like to say, “self-correcting”) is that, after a peer-review of some form, my criticism would get printed somewhere, and the field would welcome my analysis the same way it welcomes any other paper: Another brick in the wall of scientific knowledge.*

*As revealed in the [New Yorker](#) piece, this is not at all what happened. The three members of my committee (who oversaw the content of my dissertation) were very upset by this criticism. They never engaged with the content: Instead, they repeatedly suggested that a scientific criticism of a published paper had no place in a dissertation. After many frustrating exchanges, I decided to write a long letter explaining why I thought it was important to document the issues I had discovered in (the paper). This letter stressed that I was not criticizing the authors, only the article, and encouraged the members of my committee to highlight anything in my criticism that they viewed as inaccurate, insufficiently precise, or unfair.*

*The three committee members never replied to this letter. Given this lack of response, I decided to keep the criticism in the dissertation draft that was shared with them before my defense. On the day of the defense, external committee members called the criticism “unusual,” “unnecessary,” and argued that since I had not run a replication of the study, I*

could not criticize it. Only one committee member found it “brave and interesting.”

*After the defense, two members of the committee made it clear they would not sign off on my dissertation until I removed all traces of my criticism of (the paper). Neither commented on the content of my criticism. Instead, one committee member implied that a criticism is fundamentally incompatible with the professional norms of academic research. She wrote that “academic research is a like a conversation at a cocktail party”, and that my criticism was akin to me “storming in and shouting ‘you suck’ when you should be saying ‘I hear where you’re coming from but have you considered X’”. The other committee member called my criticism “inflammatory,” and lambasted me for adopting what he called a “self-righteous posture” that was “not appropriate.”*

*At this point, the only option left for me was to cave. I was terrified that they would not allow me to graduate, disgusted to see such a blatant abuse of power, dismayed to think that all the work I had done documenting the issues in (the paper) would be in vain, and absolutely stunned that they did not view the issues I was raising as worth sharing. I ultimately submitted a “censored” version of the dissertation, determined to make the “director’s cut” publicly available online later...*

The full story is at <https://www.theorgplumber.com/posts/statement/>.

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\* <https://uclafacultyassociation.blogspot.com/2023/10/the-duke-data-manipulation-branch-of.html>.

*\*\*From the heading of the italicized story above: " Disclaimer: None of the opinions expressed in this letter should be construed as statements of fact. They only reflect my experience with the research process, and my opinion regarding Francesca Gino’s work. I am also not claiming that Francesca Gino committed fraud: Only that there is overwhelming evidence of data fabrication in multiple papers for which she was responsible for the data."*

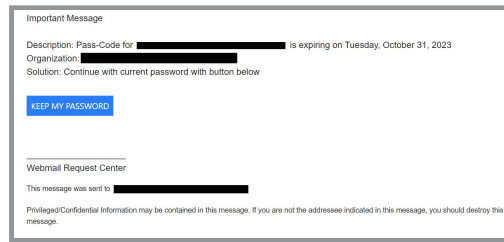
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Note: We have noted that the question of data manipulation is somewhat separable from the question of how Harvard went about dealing with the allegations and whether due process - always important - was applied: <https://uclafacultyassociation.blogspot.com/2023/10/the-harvard-data-manipulation-affair.html>.



# Delete It - Don't Respond

Tuesday, October 31, 2023



If you got a message similar to the one above purporting to be about your UCLA password, delete it. It's malicious spam. Do not respond.

# The Other Data Manipulation Case

Wednesday, November 01, 2023



Allegations of data manipulation are not confined to behavioral science, as in the Gino case at Harvard which we have been following. Example:

The CUNY system has an affair regarding research on the effectiveness of an Alzheimer's disease drug, with allegation of conflict of interest and data manipulation - and then questions of due process in investigating the allegations.

It began with questions about data manipulation in Science.<sup>\*</sup> That led to CUNY announcing an investigation.<sup>\*\*</sup> When questions were raised about the procedures involved in the investigation, CUNY pulled back and said it would investigate the investigation.<sup>\*\*\*</sup> That appears to be where things are now.

Perhaps both cases suggest that research universities should have procedures in place so that if and when allegations of research misconduct arise, there isn't an *ad hoc* response. Creating a after-the-fact response on a case-by-case basis doesn't work well.

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\* <https://www.science.org/content/article/co-developer-cassava-s-potential-alzheimer-s-drug-cited-egregious-misconduct>.

\*\* <https://www.nytimes.com/2023/10/14/health/alzheimers-drug-research-simufilam.html>.

\*\*\* <https://www1.cuny.edu/mu/forum/2023/10/27/statement-from-the-city-university-of-new-york/>.

# Budget Uncertainty

Wednesday, November 01, 2023



The delayed deadline for filing income taxes has created budgetary uncertainty for the state. From the Sacramento Bee:

*Gov. Gavin Newsom and California lawmakers may likely need to address a larger deficit next year than previously forecast due to an “increasing likelihood” that state tax revenue will be significantly below projections, according to the state Department of Finance. The department projected that, because of an unprecedented six-month extension in the state’s tax filing deadline earlier this year, California would collect \$42 billion in October. That figure represented nearly a quarter of this fiscal year’s total projected personal income tax and a third of the corporation tax. But, as of Oct. 25, California collected just \$18 billion, according to new disclosures from the agency. Should the revenue collected and tallied by the state in the coming weeks fail to catch up to its forecasts, Newsom and lawmakers will need to fill a wider budget gap than anticipated next year...*

*The state, amid a new state bond sale, was required to provide a preliminary financial snapshot of October revenues to potential investors ahead of the end of the month. H.D. Palmer, a spokesman for the Department of Finance, emphasized that it’s not a final assessment and the state may wind up closer to its target by the time the department releases its routine monthly revenue report in mid-November. The financial disclosure released as part of the bond sale does not include the revenue raised during the last week of October and some tax returns filed before the report may not have been processed yet. Additionally, the IRS on Oct. 16 announced a postponement of the state and federal tax filing deadline to Nov. 16, which means some Californians who procrastinated until the last day may still not have filed their taxes...*

Full story at <https://www.sacbee.com/news/politics-government/capitol-alert/article281212308.html>.

## Change in Plans

Thursday, November 02, 2023



From EdSource: ... *UC's Education Abroad Program (UCEAP) reported that its students at the Hebrew University in Jerusalem have left Israel and are all safe. However, UC declined to say how many students were involved and where they are now. Mandatory travel insurance covered the evacuation expenses.*

*"We can confirm that students on UCEAP-sponsored programs are safe and have departed Israel. It's our policy, following best practices on travel safety abroad, not to disclose the number of students in a given location or their specific location during emergency or urgent location changes," Jennifer Monroe, UCEAP's Director of Marketing, Communications, and Engagement, said in an email to EdSource.*

*The students are now taking online or hybrid courses in connection with Hebrew University, she said. And UCEAP "continues to evaluate the safety and security conditions at the program location and region to determine if in-person programming can continue," Monroe added...*

Full story at <https://edsource.org/2023/california-universities-evacuate-students-from-israel-citing-war-risk/699706>.

# The Football Disruption Last Saturday

Thursday, November 02, 2023



The football game between UC-Berkeley and USC last weekend was disrupted by protesters. No, it had nothing to do with events in the Middle East, but rather a faculty personnel case. [KQED](#) had a piece explaining a rather bizarre case that seems better resolved through the normal campus/Academic Senate procedures than protests (and, perhaps, medical and mental intervention).

*A growing group of UC Berkeley students has been staging a months-long protest campaign demanding that the university bring a suspended Spanish and Portuguese professor back to campus. They've shared testimonies highlighting how influential Ivonne del Valle has been both as a mentor and as a leading scholar at a school with few Latinx faculty. "Professor del Valle isn't just any faculty member, she's the top expert in colonial studies," said Emily Chamale, a second year UC Berkeley student, at a protest last month. "The question that haunts me is: If someone as respected as her is going through such things at Berkeley, what might the future be for the rest of us?"*

*But records obtained by KQED paint a troubling picture of what led to del Valle's suspension. Over three investigations, which looked into behavior that began in 2018 and continued through 2022, the university found del Valle had repeatedly harassed, stalked and retaliated against Joshua Clover, an English and Comparative Literature professor at UC Davis, and then violated orders not to contact him.*

*Clover declined to comment on the record.*

*Student supporters contend del Valle was acting out of desperation, believing that she is actually the victim of harassment and online stalking. They are preparing to disrupt the Cal football game against the University of Southern California in an undisclosed manner on Saturday. [NOTE: The disruption occurred after this article appeared.]*

*"We want Ivonne back," said Christián González Reyes, a Ph.D. student studying comparative literature, who is organizing with the campaign. "We're not going to be silent anymore."*

*The supporters say del Valle is beloved at the university, where she is the only first-generation Mexican woman among faculty in the school's Spanish and Portuguese Department. If del Valle is not reinstated, a group of students plan to stage a hunger strike.*

*In an interview with KQED, del Valle acknowledged some of the behavior described in the investigative reports, including keying Clover's car, vandalizing the area outside his apartment door, contacting his friends, posting an image of his partner online and leaving messages outside the home of his mother. Those messages included one that said "I raised a psychopath," according to the university's investigative reports. She has also acknowledged in the report calling Clover's office phone line at least ten times within 90 minutes.*

*Throughout each official investigation, del Valle maintains that her actions were the result of being hacked, and that she was not receiving the support she needed.*

*"I did write outside his door, 'Here lives a pervert.' I did that. And again, I'm not proud," del Valle said. "If I had the opportunity to do things differently, I would do them differently." Del Valle said that she regretted visiting the mother's home, but disagreed that the message towards Clover's mother was a threat or that any of her behavior was sexual harassment. She said she had been trying hard to get the attention of anyone who could help her. "I never received help from anybody," she said.*

*A UC Berkeley spokesperson, Janet Gilmore, declined to comment on the specifics of the case, citing privacy laws. "This means that the university may not publicly disclose confidential information or correct the record if others choose to share — or misrepresent — information related to a private matter," Gilmore said.*

*Gilmore added that faculty misconduct allegations are not unilaterally handled by the administration, and that if the Academic Senate's Privilege and Tenure Committee determines that it is more likely than not in sexual harassment cases that misconduct occurred, then the committee forwards a disciplinary recommendation, up to and including termination, to the chancellor.*

*However, termination of a tenured faculty member then requires approval by the UC Board of Regents, Gilmore said...*

Full story at <https://www.kqed.org/news/11965822/uc-berkeley-students-threaten-hunger-strike-to-reinstate-professor-suspended-for-stalking>.

# Rising UC Health Insurance Costs for 2024 - Part 2

Friday, November 03, 2023



In a prior post, we noted the jump in UC health insurance premiums and a protest letter about them.\* Below is the official response to complaints about the rate hikes:

*Valued colleagues:*

*As Open Enrollment begins, I have heard from many members of our community about how they will be impacted by increased medical premiums for UC plans next year. Nothing I can say will help you balance your monthly budget, but I feel I owe you an explanation of the steps we've taken to maintain quality, choice, affordability and equity.*

*As someone who takes UC's commitment to high-quality and affordable health benefits very seriously, the premium increases for 2024 are painful. Even with UC covering over 80% of the cost, next year's medical premiums will make a bigger dent in paychecks that need to cover many other critical expenses.*

*Since we learned that medical costs were increasing for 2024 — nationally, as well as for UC — I have been working with UCOP leadership and Systemwide Human Resources colleagues to figure out how to ease the burden of rising costs on our employees and retirees.*

*Sacrificing quality or choice was never on the table. UC continues to offer CORE, a high-deductible medical plan, as a \$0 premium option for budget-conscious employees who don't anticipate significant medical needs. For other employees, though, it is critical that UC continue to offer plans with a range of features, including low out-of-pocket costs for care and access to UC Health's world-class providers (access that is protected regardless of issues that may arise between UC Health providers and insurance carriers).*

*After many conversations and budget analyses, UCOP leaders committed to \$93 million in subsidies — added to UC's original budget — directed toward lowering premiums. This follows a subsidy of \$29.5 million last year, also added to lower premiums for employees and retirees, and several years of premium increases kept in check through well-managed costs and contracts.*

*As part of UC's commitment to equity, medical plan premium costs continue to be adjusted by salary range and premium increases are distributed equally by percentage across pay bands. For example, the premium for self-coverage in Kaiser increased by*

*26%; that's an increase of less than \$8/month for employees who earn up to \$68,000 a year and an increase of \$38.58/month for employees who make over \$204,000 a year.*

*The challenge of responding to the complicated factors that affect the cost of health care benefits has not gotten any easier during my four years leading Systemwide Human Resources. We will continue to work closely with our health plan partners to manage costs, to adjust UC's budget to maintain our commitment to quality and affordability, and to listen to and learn from our community.*

*If you have any questions or feedback, please reach out to Jay Henderson, associate vice president of UC Total Rewards, at [healthandwelfarebenefits@ucop.edu](mailto:healthandwelfarebenefits@ucop.edu).*

*Sincerely,*

*Cheryl Lloyd*

*Vice President*

*Systemwide Human Resources*

Source: <https://ucnet.universityofcalifornia.edu/news/2023/10/a-message-from-cheryl-lloyd-vice-president-of-systemwide-human-resources-to-the-uc-community.html>.

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\* <https://uclafacultyassociation.blogspot.com/2023/10/rising-uc-health-insurance-costs-for.html>.



# Two Closed-Door Regents Meetings Today

Friday, November 03, 2023



Two committees of the Regents are meeting today (Nov. 3) behind closed doors.

One is the Working Group on Equitable Student Employment, the special committee set up to look at the legalities surrounding potential UC hiring of undocumented students. It will meet in the morning.

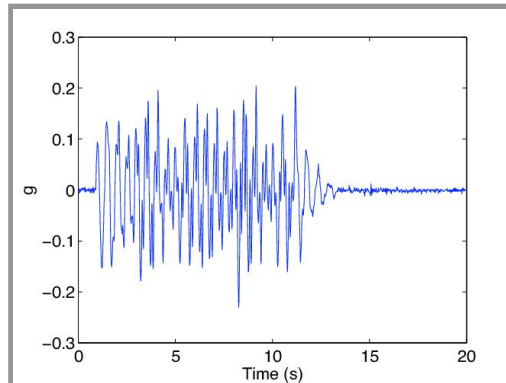
The other is the Committee to Advise the President on the Selection of a Chancellor of the Berkeley Campus. It will meet in the afternoon.

The notices do not specify a location. No public comment segment is scheduled.

Source: <https://regents.universityofcalifornia.edu/regmeet/nov23/special11.3.23am.pdf>;  
<https://regents.universityofcalifornia.edu/regmeet/nov23/special11.3.23pm.pdf>.

# Another Aftershock of the Harvard Affirmative Action Case

Saturday, November 04, 2023



From the Harvard Crimson: *In the latest development in the University's effort to recoup up to \$15 million in legal fees incurred over a nearly decade-long legal battle over its affirmative action policies, Harvard has sued its insurance broker, Marsh USA.*

*Harvard filed the suit on Wednesday in Suffolk County Superior Court, alleging that Marsh cost the University up to **\$15 million** in legal fees by failing to notify Zurich American Insurance Company, one of Harvard's insurers, of the affirmative action lawsuit within the appropriate time frame.*

*Harvard's filing accuses Marsh of "breach of contract" and "tortious violations of the professional standard of care." According to the suit, these caused Harvard to lose access to excess insurance coverage for defense costs and other affirmative action lawsuit-related expenses beyond the \$27.5 million covered by its primary insurance provider, American Insurance Group.*

*The new lawsuit comes after Harvard unsuccessfully sued excess-cost insurer Zurich in September 2021 for \$15 million. Harvard appealed the decision to the First Circuit Court of Appeals, which again sided with Zurich in August 2023.*

*According to the filing, the University claimed that it notified Marsh of the anti-affirmative action lawsuit brought by Students for Fair Admissions in a November 2014 email — one day after the group first sued Harvard in Massachusetts district court.*

*"In that November 18, 2014 email, which attached a copy of the complaint in the SFFA Action, Harvard requested that Marsh report the matter to AIG and for Marsh to provide an analysis as to coverage for the claim," Wednesday's filing states.*

*Harvard alleged it was unaware that Marsh had not notified Zurich of the SFFA suit until May 2017.*

*According to the filing, "upon learning this, Harvard immediately demanded that Marsh formally report the matter to Zurich and all of Harvard's other excess insurers, which Marsh did by letter dated May 23, 2017."*

*But since notice of the affirmative action lawsuit was not provided to Zurich until May 2017, well past the contractual three-month window, Harvard lost its ability to recoup excess costs, according to the suit...*

Full story at <https://www.thecrimson.com/article/2023/10/31/harvard-sues-marsh-usa/>.

## It's time again...

Saturday, November 04, 2023



...to reset your clock, this time back one hour tonight.

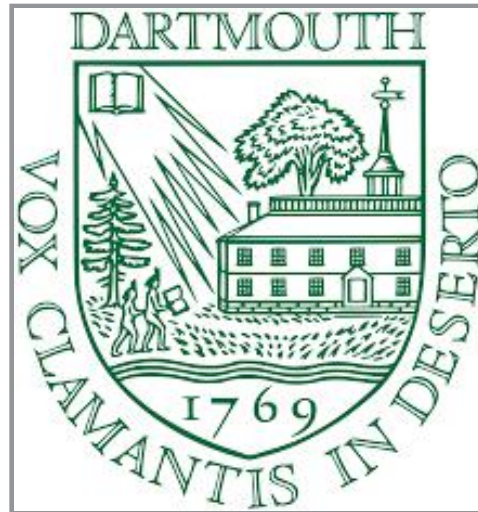
So, it's also time to explain - once again - why, even though you thought you had voted to leave the clock alone, you are still fiddling with time.

From Winter 2022 (when masks in class were still required), here is more than you want to know:

<https://archive.org/details/mitchell-time-edited>

# Dartmouth's Example in Dealing With Tension Over Israel-Gaza War

Saturday, November 04, 2023



Dartmouth College has set up forums to educate students and the public about the Israel-Hamas conflict. NPR's Scott Simon talks to professors Susannah Heschell and Tarek El-Ariss, the organizers on Weekend Edition (Nov. 4, 2023).

Susannah Heschel is the Eli M. Black Distinguished Professor of Jewish Studies at Dartmouth College. Her scholarship focuses on Jewish and Protestant thought during the 19th and 20th centuries, including the history of biblical scholarship, Jewish scholarship on Islam, and the history of anti-Semitism.\*

Tarek El-Ariss is the James Wright Professor and Chair of Middle Eastern Studies at Dartmouth College. Trained in philosophy, comparative literature, and visual and cultural studies, he works across disciplines and languages to examine notions of the subject, community, and modernity.\*\*

Listen to their response to the War:

Or direct to <https://www.youtube.com/watch?v=dHqESCd-OMk> .

It would be helpful if UCLA and the other UC campuses came up with similar responses.

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\* <https://faculty-directory.dartmouth.edu/susannah-heschel>

\*\* <https://faculty-directory.dartmouth.edu/tarek-el-ariss>.

# Student-Worker Strike Repercussions - Part 24 (no prosecution)

Sunday, November 05, 2023



Remember the student-worker demonstration at UC-San Diego that disrupted an alumni function? From [CourtHouse News](#):

*The University of California on Tuesday dropped misconduct charges against 59 students involved in union protests and promised not to pursue felony charges against three students accused of writing "living wage now" on a campus building during a demonstration in May. Academic workers, graduate students, researchers, student employees who work in academic support roles like teachers' assistants, tutors and graders at University of California campuses across the state went on the largest education strike in U.S. history late last year. Represented by the United Auto Workers (UAW), the students won new contracts that were supposed to raise their wages by 80% and double the length of parental leave, among other things. But the union contends that the university hasn't abided by the contracts and is actively trying to circumvent them.*

*Protesting students at the University of California-San Diego walked onto the stage of an alumni ceremony event at the Museum of Contemporary Art San Diego in May. The university claimed the activists bumped into the university's chancellor, Pradeep Khosla, but students said there was no physical contact, and that they only stood by Khosla and spoke into a microphone attached to a podium. In June, the university sent those involved in that action letters alleging violations of student misconduct rules that could lead to expulsion.*

*Then, on June 29, UCDS police arrested three students at their homes. They were held in county jail and told they would face charges of felony vandalism and conspiracy to commit a crime after the university claimed they wrote "living wage now" on a campus building during a protest in May. The UAW says the message was written in chalk. In July, the students were scheduled to be arraigned in a downtown San Diego court, but the university ended up not filing charges and said that an investigation was still ongoing.*

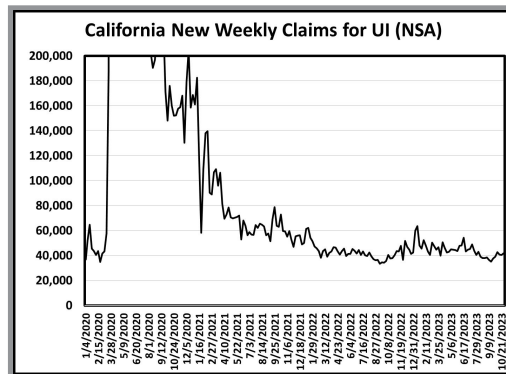
*According to a joint press release put out by both the union and the University of*

*California, the union agreed to accept accountability for the protest, the vandalism and violating school policy in exchange for the university not pursuing misconduct charges or legal action against the students...*

Full story at <https://www.courthousenews.com/university-of-california-agrees-to-drop-charges-against-student-union-organizers-in-san-diego/>.

# Nothing New

Sunday, November 05, 2023



Our weekly look at data on new weekly California claims for unemployment insurance for signs of a recession continues to show nothing new. The data are at levels roughly the same as in the pre-pandemic (boom) period. Nothing to see here. No sign of recession - at least from this indicator - despite all the uncertainty in the world.

As always, the latest claims data are at <https://www.dol.gov/ui/data.pdf>.



# Blackstone-REIT Still Draining - Part 10

Monday, November 06, 2023



The slow-motion run on the bank at the Blackstone Real Estate Investment Trust (BREIT) continues. UC provided \$4.5 billion bailout funding early on in the run from the pension and endowment. With one exception, the Regents questions about the deal, to the extent they had questions, dealt mainly with landlord-tenant relations. As blog readers will know, there are questions about the financial and legal prudence of that investment, regardless of how it may turn out in the end.

From Yahoo-Finance:

*... Blackstone Real Estate Income Trust's investors sought to pull \$2.2 billion last month, compared with \$2.1 billion in September, according to a letter to shareholders Wednesday. BREIT returned about \$1.3 billion to investors, or about 56% of what was requested, the "highest payout percentage" since redemptions were restricted last year, according to the letter. The real estate trust is a colossus in US property markets, with its reach spanning from apartments to data centers. In late 2022, BREIT curbed withdrawals after redemption requests picked up and its wealthy clients became jittery about having money locked into commercial real estate. Property values have fallen as the costs of borrowing increased with the Federal Reserve's rate hikes...*

Full story at <https://finance.yahoo.com/news/blackstone-66-billion-real-estate-124602222.html>.

## The Endless Heaps Case - Part 2

Monday, November 06, 2023



We noted in a prior post that the prosecution wanted to try Heaps on those charges on which there was a hung jury.\* Now the prosecution has an OK from the judge in the case to proceed. From the Bruin:

*Judge Michael D. Carter granted the Los Angeles County District Attorney's office a retrial on all hung counts remaining against former UCLA gynecologist James Heaps on Friday. Carter informed prosecuting attorney Danette Meyers and Heaps' attorney Tracy Green of his decision to deny the defense's motion to dismiss a retrial, allowing the prosecution to retry the nine deadlocked charges from Heaps' trial last year.*

*The charges are three counts of sexual battery by fraud, four counts of sexual penetration of an unconscious person and two counts of sexual exploitation of a patient. The jury in the initial trial voted 9-3 in favor of guilty in all but two of the charges...*

Full story at <https://dailybruin.com/2023/11/03/prosecution-granted-retrial-on-all-hung-counts-in-james-heaps-case>.

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\* <https://uclafacultyassociation.blogspot.com/2023/09/the-endless-heaps-case.html>.

# The Regents Are Coming to UCLA: Nov. 15-16, 2023

Tuesday, November 07, 2023



## Agenda: Wednesday, November 15, 2023

8:30 AM Full Board

Public Comment Period (30 minutes)

Remarks of the Chair of the Board

Remarks of the President of the University

Remarks of the Chair of the Academic Senate

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9:30 AM FINANCE AND CAPITAL STRATEGIES COMMITTEE

Agenda – Closed Session

Action: Approval of the Minutes of the Meeting of May 17 and the Joint Meeting of the Finance and Capital Strategies Committee and the Health Services Committee of September 20, 2023

F1(X)2 Action: Acquisition and External Financing of Campus Property, UC Davis Health, Sacramento Campus

F2(X)2 Action: Business Terms for the Public-Private Partnership Development of the Rancho Bernardo Healthcare Center, San Diego Campus

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Agenda – Open Session

Action: Approval of the Minutes of the Meeting of September 20, 2023

Consent Agenda:

F3A Action: Preliminary Plans Funding, Seismic Improvements of Acute Care Hospital and Associated Structures, San Diego Campus

F3B Action: Amendment of Budget, Mount Zion Main Hospital Buildings A and B Seventh Floor Renovations for Inpatient Psychiatric Services, San Francisco Campus

F3C Action: Continuation of the Student Seismic Fee, Los Angeles Campus

F4 Action: Amendment of Budget, Scope and Design Following an Exemption Determination Pursuant to the California Environmental Quality Act, Hunters Point Research Support Facility Upgrades, San Francisco Campus

F5 Action: Budget; Scope Amendment; External, Standby, and Interim Financing; and Design Amendment Following Consideration of an Addendum to the UC Merced Medical Education Building Environmental Impact Report Pursuant to the California Environmental Quality Act, UC Merced Medical Education Building, Merced Campus

F6 Action: Budget, Scope, External Financing, and Design Following Adoption of a Mitigated Negative Declaration Pursuant to the California Environmental Quality Act, Gayley Towers Redevelopment, Los Angeles Campus

F7 Action: University of California 2023-29 Capital Financial Plan

F8 Action: University of California Financial Reports, 2023

NOTE: There seems to be some sentiment among some Regents that because of the two-decade pension contribution "holiday," retirees "got away" with something. We'll see if it is expressed as the following items are discussed. It should be noted, however, that the contribution holiday was instigated by the Regents (the trustees of the plan) in response to a state budget crisis and overfunding of the plan. The holiday could have been ended at any time by the Regents but it was continued into a period when underfunding had developed. Aside from the budget crisis, pay for faculty using the state-approved "comparison-8" methodology was below the reference group so that having no contribution partly made up for the underpayment. Only one current Regent - Hadi Makarechian - goes back to that era so institutional memory is lacking.

F9 Discussion: Annual Actuarial Valuation of the University of California Retiree Health Benefit Program

F10 Discussion: Annual Actuarial Valuations for the University of California Retirement Plan and Its Segments and for the 1991 University of California – Public Employees' Retirement System Voluntary Early Retirement Incentive Program

F11 Action: University of California Retirement Plan – Proposal to Authorize Changes to University Contribution Rates and Make Additional Contributions through Transfers from the Short Term Investment Pool

F12 Action: University of California 2024-25 Budget for Current Operations and State Request for Capital Projects

F13 Information: Report of Budget to Actual Expenditures for Fiscal Year 2022-23 for the Office of the President and First Quarter Fiscal Year 2023-24 Results

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9:30 AM ACADEMIC AND STUDENT AFFAIRS COMMITTEE

Agenda – Open Session

Action: Approval of the Minutes of the Meeting of September 20, 2023

A1 Action: Streamlining and Simplifying Pre-Transfer Coursework for University of California Admission: Implementation of CCC-UC Transfer Task Force Recommendations Three and Four

A2 Discussion: Alliance for Renewable Clean Hydrogen Energy Systems (ARCHES)

A3 Discussion: Multi-Year Compact Update: Graduate Enrollment

A4 Discussion: Math Preparation and Undergraduate Admissions

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1:30 PM GOVERNANCE COMMITTEE

Agenda – Closed Session

Action: Approval of the Minutes of the Meeting of September 20, 2023

G1(X) Discussion: Collective Bargaining Matters

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2:00 PM SPECIAL COMMITTEE ON NOMINATIONS

Agenda – Closed Session

S1(X) Action: Resignations and Appointments of Regents to Standing Committees

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2:05 PM NATIONAL LABORATORIES COMMITTEE

Agenda – Closed Session

Action: Approval of the Minutes of the Meeting of July 19, 2023

N1X Action: Approval of Use of Capital and Campus Opportunity Fund Monies for Lease and Operation of Guest House Facility Near Los Alamos National Laboratory

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Agenda – Open Session

Action: Approval of the Minutes of the Meeting of July 19, 2023

N2 Discussion: State of Los Alamos National Laboratory

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2:55 PM COMPLIANCE AND AUDIT COMMITTEE

Agenda – Open Session

Action: Approval of the Minutes of the Meeting of September 20, 2023

C1 Discussion: Ethics, Compliance and Audit Services Annual Report 2022-23

C2 Discussion: Annual Report of External Auditors for the Year Ended June 30, 2023

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2:55 PM PUBLIC ENGAGEMENT AND DEVELOPMENT COMMITTEE

Agenda – Open Session

Action: Approval of the Minutes of the Meeting of September 20, 2023

P1 Discussion: Update from Interim Senior Vice President of External Relations and Communications

P2 Discussion: Conversation with Assemblymember Phil Ting

P3 Discussion: The Triumphs (and Challenges) of Being a Public-Facing Climate “Scientist-Communicator” in the UC System

P4 Discussion: UC Agriculture and Natural Resources News and Information Outreach in Spanish: Extending the Reach of UC Research and Impact

P5 Discussion: Annual Report on University Private Support

P6 Discussion: UCLA Affordability Initiative

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Agenda - Thursday, November 16, 2023

8:30 AM Full Board

Public Comment Period (30 minutes)

Approval of the Minutes of the Meetings of September 20 and 21, 2023

Remarks from Student Associations

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#### 9:10 AM HEALTH SERVICES COMMITTEE

##### Agenda – Closed Session

Action: Approval of the Minutes of the Joint Meeting of the Finance and Capital Strategies Committee and the Health Services Committee of September 20, 2023

H1(X) Discussion: Incentive Compensation Using Health System Operating Revenues for Fiscal Year 2022-23 for Executive Vice President – UC Health, Office of the President

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#### 9:25 AM Full Board

##### Agenda – Closed Session

Action: Approval of the Minutes of the Meetings of September 13 and September 21, 2023

B1(X) Discussion: Legal Issues Related to Equitable Student Employment Opportunities

NOTE: The item above refers to the hiring by UC of undocumented students

B2(X) Action: Dismissal of Faculty Member, Davis Campus

Committee Reports Including Approval of Recommendations from Committees:

-Compliance and Audit Committee

-Finance and Capital Strategies Committee

-Governance Committee

-Health Services Committee (meetings of October 11 and November 16, 2023)

-National Laboratories Committee

Officers' and President's Reports:

-Personnel Matters

-Report of Interim, Concurrence, and Committee Action:s

-Report of Materials Mailed Between Meetings

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#### 11:25 AM HEALTH SERVICES COMMITTEE

##### Agenda – Open Session

H1 Action: Approval of Incentive Compensation Using Health System Operating Revenues for Fiscal Year 2022-23 for Executive Vice President – UC Health, Office of the President as Discussed in Closed Session

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1:30 PM INVESTMENTS COMMITTEE

Agenda – Open Session

Public Comment Period (30 minutes)

Action: Approval of the Minutes of the Meeting of September 19, 2023

I-1 Discussion: What Is Going on in the Bond Market?

I-2 Discussion: Review of First Quarter Performance for Fiscal Year 2023–24 of UC Pension, Endowment, Blue and Gold Pool, and Working Capital

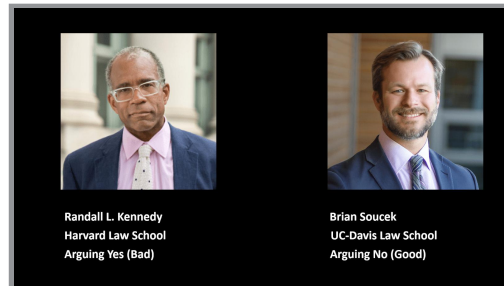
I-3 Discussion: Update on the UC Investments Academy

== Source: <https://regents.universityofcalifornia.edu/meetings/agendas/nov23.html>.



# Debate Program: Are DEI Mandates for University Faculties a Bad Idea?

Tuesday, November 07, 2023



Open to Debate: A forum that looks at various controversial issues, presented a program debating use of DEI mandated statements on November 3. To hear it, go to:

<https://opentodebate.org/debate/are-dei-mandates-for-university-faculties-a-bad-idea/>

A transcript is below:

This is Open to Debate. I'm John Donvan, and here's a flashback relevant to the topic we're taking on today. About 75 years ago, American universities went through what was considered a very bad patch in terms of academic freedom. It was the early days of the Cold War. There was a hunt on for communists in the United States to expose them and oust them from positions of influence. And in the arena of higher education, this led to requiring faculty and aspiring faculty to sign what were called loyalty oaths. These were documents in which they would forswear any association with the Communist Party, passed or future, and also pledge allegiance to the Constitution and the United States. Take the oath or lose your job. That was the deal.

00:00:43 Well, today we are hearing accusations that loyalty oaths are making a comeback, but communism is not part of this conversation. Instead, it is DEI, diversity, equity, and inclusion, a trio of goals that are framed as a way to create more supportive campus environments for those who come from groups seen as previously marginalized by American academia. To move toward this goal, hiring practices at a growing number of colleges and universities is set to be about 20% of schools right now are requiring job applicants to complete what is called ADEI statement, where they are asked to detail the ways in which in the past and in the future, they plan to exercise DEI values in educating students and teaching and mentoring them. 00:01:26 It is the mandate part that is causing the most controversy, the fact that this is required, but it's also the fact that some regard, DEI as fulfilling a political agenda, which circles back to the idea that DEI mandates corrode academic freedom. But is that really a fair picture of how these mandates work? Are they, in fact, functionally political litmus tests with effects not unlike those of the old loyalty oaths? Or is there harm actual and potential being distorted and overstated? And can one support the values of diversity, equity, and inclusion, but be opposed to mandating that commitment in good faith? All this is what we're taking on when we go Open to Debate on this question, are DEI mandates for university faculties a bad idea? Let's get into it and meet our debaters. 00:02:12 **Answering yes to that question, we have Randall Kennedy. Randall teaches at Harvard Law School. He's one**

of the foremost legal thinkers on the intersection of race and the law. He's written several books, his most recent, a series of essays titled *Say It Loud*. He's also a previous debater with us, so I'm happy to say Welcome back, Randall Kennedy. It's great to have you.

00:00:02 Randall L. Kennedy Thank you very much. 00:02:31 John Donvan **And answering no to the same question, are DEI mandates for university faculties a bad idea? We have Brian Soucek, who is a law professor at the University of California, Davis, where his focus is gender constitutional and anti-discrimination law. He has researched and written about the legal questions that surround diversity, equity, and inclusion statement mandates, and he also helped to shape the UC system's guidelines for these statements.**

Brian, it's such a great pleasure to have you on Open to Debate. 00:02:31 Brian Soucek I'm honored to be here with you and Randall. 00:02:31 John Donvan So, um, before we get started, I would just wanted to get a sense from each of you about why this topic even matters to you. For example, why would you take part in a debate on this issue? And Brian, uh, why don't you go first and I, I, I note that both of you come out of academia, so this is, to some degree, close to home for each of you. 00:02:31 Brian Soucek Sure. I actually came to this as a defender of academic freedom. Uh, five years or so ago, I was chairing the Faculty Academic Freedom Committee at UC Davis, where I teach, and then ended up chairing the system-wide committee for all 10 of the University of California's campuses at a time when UC was expanding its use of DEI statements and criticism of our use of them was really blowing up. So I felt like it was my job to try to understand to what extent the critics were getting it right, uh, especially from a legal perspective. I ended up researching it. I ended up submitting dozens of public records act requests, getting hundreds of pages of records from my own university about our DEI programs, and eventually, I started to decide that the critic's worries were absolutely real, but that they were avoidable. So that's where I come to this from. I'm a defender of-

00:04:09 John Donvan All right. 00:04:09 Brian Soucek ... diversity statements, but only as long as they're done the right way. 00:04:13 John Donvan All right, that gives us great context to know where you're coming from. And, and Randall Kennedy, same question to you. Um, again, as I mentioned before, it's your second time debating with us, but it's been a while. We're glad to have you back in on this topic. But why this topic? Why did it pique your interest? 00:04:13 Randall L. Kennedy This topic, uh, is very important to me because I'm an academic. I've spent the last 39 years in an institution of higher education, and this, uh, this device that we're talking about is, uh, quite crucial insofar as people, uh, as it's a device that affects, uh, who's hired and who's promoted. Um, I'm also a student of race relations. I'm also a student of controversies involving freedom of expression. So this topic really hits me in a lot of different ways, and I'm very glad to be here. Thank you. 00:04:13 John Donvan We can see how it matters to both of you, so thank you for that. And let's get onto our opening statements. We want to give each of you a few minutes to explain your answer to the question, yes or no. And Randall, once again, the question is, are DEI mandates for university faculties a bad idea? You're saying yes, please tell us why. 00:05:19 Randall L. Kennedy Yes, they are a bad idea. They are a very bad idea. Remember, these are mandated statements, uh, that are put to people who are seeking to enter, um, uh, institutions of higher education as professors, or they are seeking promotion based on their work. What DEI statements are, they are pledges of allegiance. What's happening is that, uh, institutions are asking people to pledge allegiance to the DEI, uh, agenda. Um, they are basically saying to people, "Listen, check a box. Tell us what we want to hear. And if you do that, you have a chance of getting hired or you have a chance of getting promoted." Uh, it seems to me that, uh, this device, uh, this procedure is going to have all sorts of bad consequences in higher education. For people who really don't care a whole lot, it's going to lead to bad faith, it's gonna lead to cynicism, it's gonna lead to people just saying what they think people want to hear. 00:06:29 Uh, for people who are more, who are earnest and might say, "Well, fr-

you know, frankly, I have some problems with the DEI project, it's gonna lead to the exclusion of such people. It's going to lead to resentment, um, and it's gonna lead to something else. It's gonna lead to imitation." After all, we are talking about, uh, mandates requiring people to, you know, say, "Well, what do you think of, uh, DEI, and how will you use it? How will you advance it in your scholarship?" Let's imagine a somewhat different, uh, slogan. Let's imagine the slogan, uh, uh, making America great again. So let's imagine that we have institutions of higher education that ask people, "Well, uh, how do you plan to make America great again? How do you plan to, uh, uh, uh, use this slogan, uh, in the advancement of your research or in the advancement of your teaching?" I think that people would react very much against that, at least I hope they would. I hope that they would see the coercive power of making people bow to that sort of, um, uh, uh, uh, request. And I hope that people will see the coercive power of these, uh, mandatory, uh, DEI statements. 00:07:57 John Donvan Thanks very much, Randall Kennedy. And now, uh, we have a response in the form of the question being answered no, by Brian Soucek. Brian, it's your turn, why are you a no on this question? 00:08:08 Brian Soucek Well, if the question is, are diversity statements a bad idea? I'd say they're a bad idea if they're done badly. They can be really valuable if they're done well. Most of my work has been devoted to figuring out that difference, uh, and that's what I hope we'll be able to talk about here. It's important first, though, I think, to step back and ask why did schools like mine start asking about faculty contributions to diversity, equity, and inclusion in the first place? There have been some recent articles in the press that make it sound as if we've done this just as a way to hire more Black and Hispanic professors in a state like mine that bans affirmative action. And I think that's actually wrong, or at least, uh, woefully and complete. At UC, the story actually goes back more than two decades. 00:08:54 There've always been faculty at UC and everywhere else who do extra work to try to ensure that a diverse set of students are flourishing under their teaching and mentorship, or to ensure that the interests of a population as diverse as California are being served by the research that we're putting out. And so, back in 2002, the president of our university and the faculty Senate started talking about how we could encourage and reward faculty members who were doing that kind of work. Our regents, along with the faculty, had declared that diversity was quote, "Integral" to the university's achievement of excellence. And if that's part of how we define excellence, if that's part of what it means to do your job well, to, uh, you know, have academic merit, then it seems like we should be crediting DEI contributions when they're occurring, whether that's in tenure or promotion decisions, uh, or in hiring. 00:09:52 And then, if something's gonna be credited, we shouldn't hide the ball about it. We should just make it clear and give faculty and faculty candidates the opportunity to say what it is that they've done in this area. So that's why I think that, uh, these are at least potentially a very good thing. The question then is, how we realize that, uh, potential? We've been using diversity statements at UC since 2009, when UC, San Diego used them for the first time. And I think we've learned a lot about them in that time. Uh, one of the things I hope we've come to see is that diversity statements can be a lot like the other statements, that we already force faculty to submit, just like research or teaching statements, they can be done in more, less useful ways. So when I was chairing our academic freedom committee, we added two requirements that I think are crucial. First, ask only what people have done and plan to do regarding DEI, not about what they believe. 00:10:49 And this is just like teaching statements. No one asks me if my... If I think teaching is the best thing in the world, or if it's my favorite part of the job. I might actually think that we teach way too much and that it gets in the way of my research. And I might write Op-eds on that. That's all fine. But in my teaching statement, the thing I'm compelled to submit, I'm asked to talk about what I've done as a teacher to help my students learn. And I'm asked what I'm planning to do to make my classes better going forward. So that's the first thing. Actions not beliefs. The second is, I think we should be

deciding bottom up, not top down what a good diversity statement looks like within a given field. That's how peer review generally works when we're hiring or tenuring. No one thinks good teaching or research is gonna look the same in biology as it does in theater or in law. So the point is, let experts within a field think about what their field's DEI needs or gaps are. Let them evaluate then whatever steps faculty or faculty candidates have taken to address those needs. There's just not one right answer when it comes to how a diversity statement should be answered. 00:11:57 John Donovan All right, thanks very much, Brian. And actually, thanks to both of you. We have now heard your opening statements and how the outlines of your argument, and we're gonna take a break and when we return, we will dive into where the disagreement exists and potentially find out where you might overlap. But we're gonna start where the argument is. I'm John Donovan, this is Open to Debate. We'll be right back. 00:12:16 Welcome back to Open to Debate, I'm John Donovan. We are debating the question, are DEI mandates for university faculties a bad idea? We have heard opening statements from Randall Kennedy and Brian Soucek. And just to get a little bit of a look back at the arguments that they have made, Randall in saying they, yes, there were bad idea, he feels dangerously they are pledges of allegiance to support an agenda, and that they are tied to promotion. He feels that this has consequences. The consequences include either cynicism or resentment. In the long run, he says that there's a coercive power to these things, and it's the, it's that coercive nature which he finds most corrosive and concerning. 00:13:10 Brian Soucek arguing, no, uh, they're not a bad idea. He says they can be done badly, but they can also be done well. He makes it clear that there's no one-size-fits all for any of these things, that that might have been a mistake that sometimes has been made. But he says that just as there are other kinds of statements required of job applicants, why not this kind of statement as well, when it is relevant to the work that is being done? Randall, I want, I want to ask you to take on Brian's point that we're already in a world where, as he said, applicants for jobs have to make certain kinds of statements, they are required and that this should not be considered as really very different in that way. 00:13:49 Randall L. Kennedy Two things. Number one, do note that in, uh, Brian's remarks, he talked about people being rewarded for doing DEI work, but of course, what we are debating is mandated DEI statements. That's 0.1. 0.2, on the issue of, um, what's wrong with this, as opposed to other sorts of statements, other sorts of statements go directly to the expertise of the, uh, person that is being considered. They're asked about what they do. Here, they're not being asked about what they do. Here, they're asked whether they basically sign on to a view. And third of all, what happens to the person who says, by the way, "Actually, I don't agree with, uh, the whole DEI project"? Is there any room for such a person? It seems to me that in academia, there should be room for people who say, "Actually, I fundamentally disagree with the way in which, uh, this institution or other institutions of higher education are managing people." Again, the university should be open, it should facilitate candor, it should facilitate diversity. All of those values are threatened by mandated DEI statements. 00:15:16 John Donovan So Brian, essentially, what I think I hear Randall saying that, that pins together everything he said is he does not feel that a commitment to a, a, DEI program or initiative is central to the job of an educator, certainly, not in places like chemistry and physics, and therefore, it's not the same as everything else. Can you take that on? 00:15:38 Brian Soucek There absolutely needs to be space for somebody to say without hypocrisy that they disagree with the use of DEI statements or maybe even that they disagree with the entire DEI emphasis within the university entirely. 00:15:38 John Donovan Would that be an, uh, a very big strike against the individual? 00:15:55 Brian Soucek It shouldn't be. And if a school is treating it that, then I'm going to join hands with Randall and if not, march on them, write a very strongly worded letter about it, because that is not how academic freedom works. I think it's question begging to say that this, the DEI contributions don't go to the expertise, or

the academic merit of somebody being considered either for hiring or for tenure or promotion. I think that for me, especially at a public school like mine, to ensure that a diverse set of students are flourishing under my watch, under my teaching and mentorship. I think that is core to what it means to succeed as a teacher at the University of California. I think if my research is reaching some part of our diverse population that perhaps hasn't had its needs and interests met in UC's past research, then that's a contribution. That's a form of academic merit. That's a way that I'm serving the university's mission. So I just don't see this as extraneous in a way that say, a pledge to make America great again, uh, would be. 00:17:00 John Donovan So Randall, do you see DEI, and I know that that's a broadly squishy defined term, but maybe you can work with this question, do you see it as, as essentially representing an ideological agenda? 00:17:12 Randall L. Kennedy Yes. And by the way, it is very squishy. It is very amorphous. Of course, that's part of the, that's part of the problem. I am all in favor of institutions taking action against any sort of wrongful discriminatory conduct. But that's a very different thing than monitoring beliefs by demanding pledges of allegiance to an array of policies that are often vague, frequently ambiguous, and invariably controversial. 00:17:44 John Donovan But Brian is arguing that it's not an... It's... They're not seeking to know the belief. They're seeking to know the action, past and future, and that he says that's an important distinction. 00:17:52 Randall L. Kennedy Well, that's a distinction on paper. I'm saying let's, let's take a look at the reality of how these things work on the ground. And I, I take solace, by the way, from, uh, Brian's concession, he said, if what I'm saying is true, then he would join me. Well, I feel very certain that what I'm saying is true as a, as a matter of reality on our campuses. We have... We, we know what's gonna happen if somebody submits a, a, uh, a statement in which they say, or even if, even if they even hint that they have skepticism towards certain aspects of the DEI regime, we know what's gonna happen to them. 00:18:38 Brian Soucek Uh, you know, on the one hand, it seems as if there's some orthodoxy that everybody is supposed to pledge allegiance to. On the other hand, it's being said to be so vague and squishy that nobody knows what it is. I think the squishiness is, in a way, a, a virtue. I mean, I think that is another way in which DEI statements are analogous to the rest of the things that we judge people on. I don't know why Harvard Law School didn't hire me when I was on the job market. There was discretion on the part of the hirers, and we're used to that. And the way that we... The reason for that is because we don't want the university top down to be dictating who Harvard Law School should hire. We want the discipline area experts at that school in that field to be deciding what would be the biggest contribution. That's what academic freedom means, that you're judged by your academic peers, not by administrators or, you know, some outside concern. 00:19:34 Randall L. Kennedy Brian is telling us... Brian's story is that these DEI mandated statements are informational. I am rejecting that. I don't think that that's actually the case. I don't think that they are merely informational. I think that they are signals, they are signals telling applicants that they better say certain things or shut up about their beliefs. Now, uh, the, the claim that these things are informational, it seems to me is unrealistic. As for the que- as for the issue of academic freedom, I agree with you entirely, Brian, that it should be people on the ground, peers, academic peers who make these determinations. But where do DEI statements come from? They don't come from peers. They come from the top. They come from administrators who have imposed this on faculty and by extension on students. 00:20:39 Brian Soucek Well, two very quick things. One, as a descriptive matter, that may be true in any number of places. It's not true as I just described at the University of California. But more importantly, secondly, we can make it not be true. 00:20:39 John Donovan Brian, I, I, I, I have before me, thanks to our research team, a, a rubric that, um, is dated 2018 UC, Berkeley. 00:20:39 Brian Soucek Uh, the Berkeley rubric. Uh. 00:21:02 John Donovan Is this out of date? Is this... Has this... Is this in

practice, or before I go to it? 00:21:06 Brian Soucek Would that it were not? Uh, that thing- 00:21:08 John Donvan All right. So I wanna- 00:21:08 Brian Soucek ... has a life of it own. 00:21:11 John Donvan ... I wanna talk about it, 'cause I, I, I think it goes to some of the issues we're talking about. And so what this is, is a score sheet. Uh, it's a guide to how to score an applicant for a job in the area of DEI. There's the, the category of how much does this person know about DEI, and they get one to two points if they have expressed, I'm quoting that a little express knowledge of or experience with dimensions of diversity that results from different identities. And then the top score in this category of knowledge of DEI, you get four to five points, clear knowledge about, you know, a person who has a far more sophisticated grasp of what, uh, the DEI mission is. There are three or four categories that have this, this point system from one to five. A one is weak on DEI, and five is very strong on DEI. What is, what is going on here (laughs), and why, why did you groan right away when you heard it? 00:22:06 Brian Soucek As you said, that was a 2018 rubric that came top down at Berkeley. It's not what you find when you go even to the top at Berkeley and look at their DEI, uh, office and their official recommendations about, about diversity statements. It has, for whatever reason, had a life of its own where you see it cropping up at other schools as a model. And I wish that weren't the case because that's not how I think these should be done. And I think it's important and actually salutary that that's not how our system now recommends doing it. When I'm saying to Randall, even if he were right to some extent about the descriptive story, that's not static. There's no reason why we can't, uh, do things better. You know, if you don't want pledges of allegiance, don't ask people to pledge allegiance. Ask them about their actual experiences, ask them how they're changing their syllabus to make it more inclusive. Ask those kinds of things. 00:23:01 John Donvan So, so Randall, again, Brian is saying there's all kinds of room for nuance here that these things can be fine-tuned to be far less, far less offensive to academic freedom than you're saying. And I just wanna ask you to take on that point that he says there's, there's a way to, to massage these things so that they're not as, uh, uh, egregious in the sense that you find it egregious and may actually do some good. 00:23:24 Randall L. Kennedy I can imagine that you could have this device and it would be less offensive to academic freedom. That's not good enough for me. I don't want to have any device that's gonna encroach upon academic freedom at all. Uh, we were just talking about a great university, Berkeley, and he conceded that that was a terrible DEI statement. This has gone to other places. He's conceded that this is at least a potential threat. What I'm saying is, let's get rid of potential threats to academic freedom to candor, uh, to freethinking and free learning in America's universities. 00:24:06 Brian Soucek The problem is that the argument you're making, Randall, just proves way too much because every element of the application can be used in bad ways. I don't understand why so many of the critics of diversity statements aren't out there criticizing all parts of... Why aren't they out there, you know- 00:24:23 John Donvan So- 00:24:23 Brian Soucek ... talking about teaching statements, for example. 00:24:24 John Donvan ... Brian, let, let, let me point back though to the question that Randall just put before you is, what is the evidence that these statements are doing good? 00:24:31 Brian Soucek That's an important question. Uh, I've read a lot. I was chair of our appointments committee last year, read hundreds of them. It's actually inspiring to see what people put in their diversity statements. When they talk about ways that they have identified shortcomings in their teaching, for example, when they realize that the readings that they're assigning basically out of, not out of ill will, but just out of inertia, that they haven't diversified the set of examples they're using, the type of cases they're assigning because they have this nudge. They know that they're going to be asked about it. Does it force them to do any particular intervention? No. Does it push them to be thoughtful about whether they're reaching a diverse set of students and whether they're taking DEI values into account when they think about how they

wanna teach their class? Yeah, I really think it does that. 00:25:22 Randall L. Kennedy I think of myself as a person being in favor of racial justice militantly in favor of racial justice. I would absolutely, if I applied to some place now, and they asked me the sorts of things that are, that people are being asked at the entry level and for purposes of promotion, I would on principle reject answering. I think that this is a major violation. It is coercion in soft gloves. That's what we are facing here. 00:26:01 John Donovan So Brian, take, take on the, the mandate piece of this. Why should it be mandatory? 00:26:07 Brian Soucek I don't think the mandatory nature of it actually plays much a role at all, so- 00:26:12 John Donovan But that, but that's, but that's the main, that's the main, uh, point of, uh, of offense that's taken by the other side. 00:26:12 Brian Soucek Well, perhaps. I... But hear me out- 00:26:20 John Donovan But it's not perhaps. I, I have to push you on that. That's, that's why there's a debate here, I think, is primarily because of the requirement and it's, it's the heart of Randall's argument. 00:26:28 Brian Soucek So tell me what the difference is between saying, in your mandatory statement, saying zero contributions during this, during the review period, as some might say, if they didn't publish anything during that par- during that period, versus having an optional statement that they just don't file, that they decide not to submit. It seems to me that if what the school is doing is looking for such contributions that, as I said at the opening, we shouldn't hide the ball about that. 00:26:56 Randall L. Kennedy There's a reason for it being mandatory. It's part of the signaling process. It's mandatory because what the institutions are saying is, um, either play ball with us with respect to this, or don't expect to get hired or don't expect to be promoted. The, the mandatory aspect of this is absolutely essential. And again, I repeat, the DEI required statement, they... Nominally, it's informational. That's not what is really going on. Realistically, it is about, uh, a, a, a test, a pledge of allegiance, and we're testing you to make sure that you'll play ball with us. 00:27:46 Brian Soucek If the problem is that universities are signaling that they care about diversity, equity, and inclusion, I mean, that ship has sailed. The University of California made that part of our core mission explicitly in 2006. So if that is something that the university sees as quote, "intrinsic" to its excellence, then of course, we're signaling that we want things that contribute to how we define excellence. 00:28:12 Randall L. Kennedy Uh-huh. You have just now pointed out how deep a problem this is because what you've just said is, "Well, you know, the university administrators has said that this is very important to us." 00:28:24 Brian Soucek It was written by the faculty. Randall, that came through shared governance, five years of shared governance with the faculty. 00:28:28 Randall L. Kennedy I'm willing to stipulate that that's so. If that is so, then the faculty is complicit in a regime that is, um, endemic to the values that institutions of higher education should support. 00:28:46 John Donovan I wanna bring in one other topic, and that refers to the situation in California, which, um, especially, you know, well Brian, where under Proposition 209, um, preferential treatment in hiring in college admissions that is based on race and gender and sex has been barred for quite some time now. And we are hearing some people argue that DEI statements are, are a way to sidestep that, that prohibition on us- using, uh, race, gender, sex, uh, to make any sort of decision about an applicant's qualifications for a position. 00:29:16 Brian Soucek Is this a way around Prop 209? Well, no. The Supreme Court has told us that we can't make explicit use of people's race unless we first tried out other non-racial alternatives, race neutral alternatives. A student can talk about their race when they're applying. They just have to do so in a way that shows how their racial background has made them... Given them some kind of trait or experience or background that will allow them to contribute in a unique way at Harvard. And again, done the right way, that's what we should be asking people in their diversity statements. 00:29:55 Randall L. Kennedy Unfortunately, and this goes to your very first question, John, you know, why does this matter to me? The reputation of higher education, its esteem in the public mind matters tremendously to me.

And the esteem of public education has fallen because of the perception, all too often, the realistic perception that there is a good amount of double-talk going on in universities. What we're talking about now is a classic illustration of that. Uh, we have, you know, we have these DEI policies that are presented as a, you know, an, an innocuous way of getting information aimed at advancing the educational, uh, uh, uh, program at a university when in actuality, that's really not what's going on. And, you know, people are gonna, people are gonna understand this, uh, over time. I think people are already understanding it, and it's gonna lead to the further undermining of confidence in our colleges and universities. 00:31:13 John Donovan Okay. We are in mid-flow in this conversation, and we're gonna take a break and when we come back, we're gonna bring in some additional voices to see what directions the conversation goes in with their contributions. I'm John Donovan. This is Open to Debate. 00:31:32 Welcome back to Open to Debate, I'm John Donovan. I'm joined by Randall Kennedy and Brian Soucek to debate this question, are DEI mandates for university faculties a bad idea? And what we like to do at this point in the program is bring in some journalists who have been thinking and writing about these questions and can bring us some insights in the way they put a question to each of our debaters. And joining us first is Sarah Isgur, who is a senior editor at the Dispatch and host of the podcast Advisory Opinions. Welcome Sarah, thanks for joining us on Open to Debate. 00:32:00 Sarah Isgur Thank you so much for having me. Uh, the E, in DEI stands for the word equity, which, uh, itself, as I understand it, is largely defined as looking at outcomes rather than an opportunity, which is something that a lot of conservatives reject. Uh, so the very concept of DEI is something that is sort of offensive to their, uh, ideological philosophy. At the same time, we've seen a real problem in academia, either attracting or hiring conservative viewpoints on campus. So my question to you is, are schools missing out on viewpoint diversity? And if so, how would you suggest that they fix that conservative side of viewpoint diversity that's missing from so many campuses? 00:32:46 John Donovan I think there are innumerable ways that you can make contributions to DEI in ways that do not require you to classify your students based on their race or gender. I write, as I know Randall does, I, I write my own, uh, case book for two of my classes. Uh, my students are able to download that for free. That is an access issue that allows people to, uh, feel more welcome and have more access to, uh, law school education, and that's the kind of contribution that can be included. And that makes no distinction whatsoever based on anybody's race. If it so happens that there are no women in your field, or there are very few people of a particular race, uh, doing well at your school, I think you need to be asking yourself about that. And I don't think that, uh, requiring people to do so is a way of driving out people on the basis of ideology. I think that's just getting people to do their jobs. 00:33:45 Randall L. Kennedy On the, on the question of that's just requiring people to do their jobs. Of course, we can, uh, make jobs, follow any particular agenda. We can define things in such a way as to make our job, make the job description, um, in alignment with compelled mandated DEI statements. I guess my position is, I don't think that this should be part of the job description. I think that actually, we have a notion of what academics do, and that our notion of what academics do ought not to include pledging allegiance, uh, to some sort of agenda, even an agenda that I like. And by the way, I should mention, I mean, I'm a person on the left. Let's not, let's not think that, you know, everybody who is against DEI statements are conservatives. I am not a conservative. I am a person on the left. (34:57): And as a person on the left, as a person who embraces much of what animates the DEI project, I really, um, am quite against this mandated requirement. Why? Because it poses a risk to freedom of thought, freedom of expression, freedom of learning on our campuses. Those freedoms should be at the very top of what universities ought to be protecting. 00:35:34 Sarah Isgur Does your stance against DEI statements extend to DEI programming at these universities? 00:35:34 Randall L. Kennedy I think that the DEI regime has a big



problem, and that big problem is the problem of coercion. The forces behind DEI in American society, in, in much of American society, they are on the margins. But in some parts of American society, they are very powerful, including in its certain institutions of higher education and where they have power, they do what people often do, who have power, they overreach. And this, the DEI's mandated statements are an aspect of that overreach. 00:36:20 John Donovan Thanks very much for your question, uh, Sarah. And I now wanna bring in Emily Yoffe, who is a journalist and senior editor at the Free Press. Emily, welcome to Open to Debate and come on in with your question, please. 00:36:30 Emily Yoffe Hi. Thank you, John. Here are some statements from a DEI initiative at the Mount Sinai School of Medicine. There is no priority in medical education that is more important than addressing and eliminating racism and bias. And someone's lived experience of racism and bias is all we need to know about its impact on them, whether intended or not. Finally, leaders from the Association of American Medical Colleges recently proclaimed that DEI quote, "Deserves just as much attention from learners and educators at every stage of their careers as the latest scientific breakthroughs." My question is, when DEI is declared central to a university's mission on par, or more important than the expansion and dissemination of knowledge, does a culture of mistrust and ill will and of reporting violation to the DEI authorities arise? Doesn't this undermine the very purpose of the university? 00:37:35 John Donovan Okay. I, I wanna point out, I... And I'm gonna allow the question, but I want to point out that you did not address a mandate there, unless you're telling me that putting a signature under that statement is ma- mandated. Nevertheless, Brian, if you'd like to, to respond to the question, because this is certainly very much, uh, the second stage of the conversation that's going on about all of this topic. 00:37:35 Brian Soucek So there seems to be a difference of opinion here about what DEI means in this kind of context. Sometimes from listening both to that question and to this debate in general, I'm picturing those signs you see outside the houses of certain liberal neighborhoods where they say, you know, we believe Black lives matter and no human is illegal, and women's rights are humans rights. And that what we're trying to do with DEI statements is get people to check all of those lines and say, "Yep, I believe in those things too." I don't see that being what we're after or at least what we should be after. So, Emily, when you ask about putting DEI on par with the concern about finding knowledge and disseminating knowledge, I wanna know finding what knowledge? Knowledge about what? Disseminating it to whom? Who are we teaching? Uh, who are we allowing to be part of this research project? For a long time, it was a pretty limited audience and a pretty limited set of people doing the research. And so, if Mount Sinai is saying, "Let's expand that, then I don't see that as problematic at all." 00:39:02 John Donovan Thank you Emily Yoffe for, for joining us on Open To Debate. And next I'd like to bring in Ryan Quinn. Ryan is a reporter at Inside Higher Ed who focuses on faculty issues. Ryan, the floor is yours. Thanks for joining us. 00:39:13 Ryan Quinn This may be a question for Professor Soucek, but how do you defend requiring prospective or current faculty members to sign or write specifically DEI statements as part of hiring or promotion evaluations when there are so many other types of possibly valuable statements that one could argue faculty members should also be required to make? For instance, why not require faculty me- members to sign or write statements pledging to support student mental health issues in certain ways, such as flexible grading and due dates? Why not require faculty members to sign or write statements pledging to respect students' religious beliefs in certain ways, such as not discussing atheism in a philosophy classroom? Why not require faculty members to sign or write statements saying certain things about the Israel-Palestine conflict? Or do you support requiring statements for all of these and more? 00:40:07 Brian Soucek The first of those about mental health and possibly the second of those about religious belief would absolutely be good things to write about, uh, possible candidates to, for discussion within ADEI

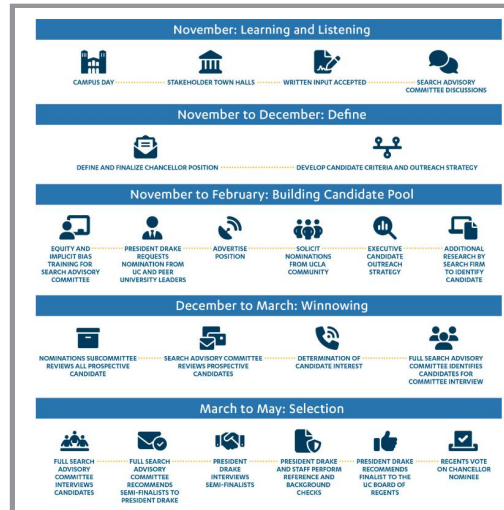
statement. So I see that as encompassed. I guess I fall off when you talk about, uh, a statement saying, "You won't discuss atheism within a philosophy class." Uh, I don't see that as a contribution to diversity, equity, and inclusion at all. But, of course, I would leave it to the disciplinary experts within that field to decide whether that's true. Uh, the, the last of the example, a pledge not to talk about the Israeli-Palestine conflict, uh, seems simply like a, a violation of academic freedom. 00:40:07 John Donvan Okay, Ryan, thank you very much for your question. I want to ask one last question to each of you that is based on, on some of your writing, Brian, that I found very interesting. So earlier in the program, you said it, it wouldn't make sense, uh, it wouldn't make educational academic sense to require a, um, a, a pledge to make America great again, a slogan such as that. But in some of your writing, you suggested that actually, a pledge to support capitalism would make sense in the context of a business school. And I found that very interesting because that comes very close to your argument about the, the subject matter, and the pledge of principles being very, very intertwined. And I just wanted to ask you to build a little bit on that case and then to ask, uh, Professor Kennedy his response to it. 00:41:46 Brian Soucek Sure, thanks, John. It's not within the context of a business school, it's in the context of hiring somebody to run the entrepreneurship program at the business school. 00:41:55 John Donvan I'm sorry. Thanks for the specification. 00:41:57 Brian Soucek No, not at all. So in the same way that when Maya Randall's Law School hires the director of our asylum clinic, I think, uh, views on asylum become fair game in a way that they're absolutely not in our general hiring within the law school, much less within the chemistry department or anywhere else in the university. So that's, that's to say that what counts as viewpoint discriminatory under the First Amendment really comes down to job or position relevance, that we judge people's opinions all the time when we hire. That's what peer review is, but it has to be on the basis of things that are relevant to the job. And that's where I see Randall and I disagreeing just about what kinds of contributions really are relevant to certain jobs. 00:42:44 Randall L. Kennedy So we're gonna ask that, uh, people who are gonna be professors, let's say, at a business school, sign a pledge that, uh, you are in favor of, uh, capitalism as it is currently practiced in the United States. Let's imagine that we're, uh, hiring somebody for a position in law school. Maybe you're gonna teach contracts, maybe you're gonna teach torts, but oh, but we wanna know about where you stand with respect to immigration. We could go on and on and on with all sorts of questions. Where are you, where, where do you stand with respect to abortion? I know that, um, uh, this position is a position for, uh, a physics instructor, but we wanna know where you stand with respect to abortion. 00:43:28 You can see how this would play out. And again, think about how are you going to make America great again? And by the way, this is, this is not some sort of hypothetical coming from an, an overheated imagination. This is already happening. It's already the case that in some jurisdictions that are conservative, there are already lawmakers in place who were saying, "No, we shouldn't require people to, um, uh, sign on to DEI." No, we should require people to sign on to and then fill in the blank of what they want. This whole idea of making scholars pledge allegiance is a bad idea, and it is going to haunt us. We need to get rid of it. 00:42:44 Brian Soucek I, of course, agree and thought I had just said that somebody shouldn't be asked about immigration when they're being hired generally within the law school, much less the chemistry department. Instead, it's not that we should ask somebody to pledge fealty to something, but we should certainly be able to ask, what have you done, uh, in the realm of asylum in helping asylum seekers, if we're hiring a director of our asylum clinic. That's the point that I was making in the part of the article that you were, uh, asking me about, John. 00:44:55 John Donvan Okay. So I would, uh, like to thank you both for the conversation to this point, and point out that we are now moving on to our closing round. And the closing round is comprised of closing statements from each of you in turn. Uh, Randall, you answered yes again to the

question, are DEI mandates for university faculty a bad idea? You said you've been arguing yes. And this is your last chance to make the point. So one more time, why are you a yes? 00:45:18 Randall L. Kennedy I'm a yes because of, um, actually, what you've heard over the past few minutes. Uh, at this point, I'm willing to say, uh, [inaudible 00:45:28 ], uh, the, the thing speaks for itself. My counterpart, whom I respect, uh, has actually conceded on any number of times now that the mandated, uh, uh, diversity statements, uh, can be used wrongly, have been used wrongly. I mean, at this point, I, frankly, I say, well, you know, I, I don't need to actually push my argument. My counterpart has made my argument for me. I think that we are dealing with something that, uh, is dangerous. Does it have to be dangerous? You know, each and every time it's used? No. A lot of dangerous things aren't, uh, dangerous each and every time they're used. 00:46:16 But does it pose enough of a risk for us to say for the purposes of safety, academic, safety for academic freedom, safety for teaching, safety, for learning on our campuses, for the purpose of safety in that context, should we get rid of these forced compelled DEI statements? I say imperatively yes, we ought to get rid of these things, uh, and go on with the business that, uh, higher education, uh, ought to pursue. Thank you very much. 00:45:18 John Donovan Thank you, Randall. And that turns it over to you, Brian. You have the final word here again to tell us why you're answering no to the question of whether or not DEI mandates for university faculties are a bad idea. You're a no. One more time why? 00:47:08 Brian Soucek Thanks, John. And thank you, Randall. So, earlier this year I was giving a talk about DEI statements at a big public research university. And an older faculty member came up to me afterwards mostly just to tell me why I was completely wrong. Uh, he was a scientist, and he didn't think that DEI really had anything to do with science at all. Uh, he thought like Randall does, the DEI is extraneous to merit. It's just not part of what it means to be a good science professor. This professor was expressing frustration with the direction his university had gone during his career. And at one point he said to me, "I can't even call on my students anymore because they're all from Asia, and I don't know how to pronounce their names." Now, I was taken aback by this, but what I actually said to him in response was, "Gosh, you've got the makings of a just terrific DEI statement right there." 00:47:59 Here's what you do. You'd start by identifying a need that you've id- found in your department. Professors there are calling on students less because the demographics of your faculty are diverging from that of your students. As a result, professors are start feeling uncomfortable that they're gonna get names wrong. So what did you do about it? Well, maybe you found technology that allows students to record themselves saying their names. Maybe you gave them a survey before class where they could write their names phonetically. You start learning students' names so that you can call on them, students feel more included. A more diverse set of students are now, uh, thriving within your science department. Notice, doing this would not have required to, the professor to treat any of his students differently because of their race. 00:48:45 Moreover, to Randall's point throughout this debate, nowhere in that statement would this professor be required to pledge allegiance to anything at all. He wouldn't have to state a single belief about diversity. What he would've described was ADEI-related way that he made his teaching better. That's the kind of thing that we're after, or at least that's the kind of thing I think we should be after. 00:49:08 John Donovan Thank you very much, Brian Soucek. And that wraps up this debate. And I want to thank our debaters, Randall and Brian for approaching this debate, uh, with mutual respect and civility and for bringing thoughtful disagreement to the table, in short, for being open to debate. I also wanna thank our journalists who helped move things along, Emily Yoffe, Ryan Quinn and Sarah Isgur. And to all of you listening and tuning in, I want to thank you for joining us. As a nonprofit, our work at Open to Debate to combat extreme polarization through civil respectful debate is generously funded by listeners like you and by the Rosenkranz Foundation and by supporters of Open to

Debate. 00:49:41 Open to Debate is also made possible by a generous ground from the Laura and Gary Lauder Venture Philanthropy Fund. Robert Rosenkrantz is our chairman. Clay O'Connor is CEO. Leah Matha is our chief content officer. Alexis [inaudible 00:49:52 ] and Marlet Sandoval are our editorial producers. Gabriela Mayer is our editorial and research manager. Andrew Lipson is head of production. Max Fulton is our production coordinator. Damon Whitmore, our engineer, Gabrielle [inaudible 00:50:04 ], our social media and digital platforms coordinator. Raven Baker is events and operations manager. Rachel Kemp is our chief of staff. Our theme music is by Alex Clement. And I'm your host, John Donovan for Open to Debate. We'll see you next time.

# UCLA Chancellor Search: Upcoming Zoom Session

Tuesday, November 07, 2023



University of California President Michael V. Drake, M.D., has announced the formation of a search advisory committee of university faculty, staff, students, alumni and foundation representatives to help in the international search for a new chancellor to lead the UCLA campus. Regent Richard Leib, Chair of the Board of Regents, appointed five Regents to serve on the committee.

UCLA Chancellor Gene Block announced in August that he plans to retire at the end of the 2023-24 academic year.

The search advisory committee includes:

- Michael V. Drake, M.D., UC President (Committee Chair)
- Richard Leib, Chair, UC Board of Regents
- Gareth Elliott, UC Regent
- Ana Matosantos, UC Regent
- Janet Reilly, UC Regent
- Richard Sherman, UC Regent
- Jonathan Sures, UC Regent
- James Steintrager, Chair, Systemwide Academic Senate and Professor of English, Comparative Literature and European Languages and Studies, UC Irvine
- Linda Demer, Professor of Medicine, Physiology and Bioengineering, UCLA
- Andrea Ghez, Professor of Physics and Astronomy, UCLA
- Angela Riley, Professor of Law and American Indian Studies, UCLA
- Thomas Chi, Professor of Urology, UC San Francisco
- Alicia Miñana de Lovelace, Board Chair, UCLA Foundation
- Ann Wang, President, UCLA Alumni Association
- Ana Esquivel, Staff Representative, UCLA
- Naomi Hammonds, President, UCLA Undergraduate Students Association
- Noor Nakhaei, President, UCLA Graduate Student Association

The search advisory committee will be involved in recruiting, screening and conducting

interviews with candidates for the position. The committee's work will be scheduled so that candidates can be presented to President Drake for consideration and a recommended nominee submitted to the Board of Regents for approval, tentatively by May 2024.

The committee's first meeting will be held Nov. 7 on the UCLA campus, where members and invited guests will gather in a closed session. The forum will include remarks by President Drake, followed by separate sessions with various campus constituency groups. The president and committee members will also participate in a luncheon with alumni, donors, and foundation leaders.

Virtual Town Hall Listening Sessions open to the UCLA community are scheduled for Nov. 8. The sessions will focus on the needs and interests of UCLA constituencies: faculty, staff, undergraduate and graduate students, and alumni.

In addition to presentations by constituency representatives who will meet with the committee, and the townhall listening sessions, public input is encouraged throughout the search process. Comments may be submitted via email to [uclachancellorsearch@ucop.edu](mailto:uclachancellorsearch@ucop.edu) or online survey.

The executive search firm SP&A Executive Search will assist in the process. Submission of nominations and application materials may be sent via email to [apsearch@spaexec.com](mailto:apsearch@spaexec.com).

Source: <https://www.universityofcalifornia.edu/press-room/advisory-committee-named-ucla-chancellor-search>.

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Members of the Bruin community are invited to attend virtual town halls with the committee Nov. 8

UC President Michael Drake has announced the formation of an advisory committee to support the international search for UCLA's next chancellor. Drake will chair the committee, which comprises UC regents, university faculty, staff, students, alumni and UCLA Foundation representatives.

To ensure the search advisory committee is well informed about current campus issues and priorities, members of the UCLA community are invited to attend virtual town halls with the committee on Nov. 8. The sessions will focus on the needs and interests of students, staff, faculty and alumni.

Advance registration is required to receive the Zoom link, and space is limited. Visit the UCLA chancellor search website for more information and to register.

Source: <https://newsroom.ucla.edu/dept/faculty/uc-president-announces-ucla-chancellor-search-committee>.

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Faculty who wish to attend via Zoom can register at:

<https://uclaspecialevents.ucla.edu/ChancellorSearchTownHallFaculty>

There are also sessions for students, staff, and alumni. A UCLA email address is required.

## Easy Parking at UCLA (1932)

Wednesday, November 08, 2023



Back in the day: Not only easy parking but also free parking! (Yes, the photo has been colorized.)



# Erosion of the Idea of Student-Athlete Amateurism

Wednesday, November 08, 2023



The idea of amateur student-athletes continues to erode. We already have the NIL (name, image, likeness) loophole thanks to the US Supreme Court. More seems to be on the way. From Inside Higher Ed:

*A federal judge [last] Friday ruled that thousands of current and former college athletes should be included in the damages phase of an antitrust lawsuit challenging the National Collegiate Athletic Association's policies governing compensation of players. Claudia Wilken, a federal judge in the Northern District of California, supported a request by plaintiffs in a case known as House v. NCAA to treat more than 10,000 current and former athletes as a class eligible for damages if the judge ultimately rules in favor of the three named athletes who have challenged the association's policies restricting compensation for the use of their name, image and likeness. They represent football and men's basketball players, male athletes in all other sports, and female athletes. Wilken has previously ruled in favor of athletes in other major cases, one of which was upheld by the Supreme Court in 2021.*

Source: <https://www.insidehighered.com/news/quick-takes/2023/11/06/judge-grants-class-action-status-athlete-compensation-lawsuit>.

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The actual court decision is at:

<https://www.insidehighered.com/sites/default/files/2023-11/house%20v%20ncaa%20class%20certification%20ruling.pdf>.

# There was an incident at Berkeley, but no follow up

Wednesday, November 08, 2023



From Monday's San Francisco Chronicle: *A hazmat team rushed to UC Berkeley's social sciences building Monday afternoon to investigate a potential hazardous substance, according to the Berkeley Fire Department.*

*"Our hazmat team is working an incident on the UC Berkeley campus. It is still an active scene and we are waiting to see what the product is and if it is harmful," Keith May, the department's assistant fire chief, told the Chronicle. May said the building was evacuated during the incident.*

*A WarnMe text alert sent from the university to students at 3:52 p.m. said students could re-enter the building. "All clear. You may now safely enter the social sciences building," the alert said.*

Source: <https://www.sfchronicle.com/bayarea/article/hazardous-materials-team-probes-incident-uc-18473072.php>

Yours truly looked for a follow up in the Chronicle and in the Daily Cal. Nothing appeared. No information on the "WarnMe" site mentioned above and nothing on other UC-Berkeley emergency sites. Only the Chronicle carried the story, although apparently there were text alerts sent to students and others. Given current tensions, campuses should be transparent about such incidents, even if they turn out to be false alarms.

# Another Aftershock to the Harvard Affirmative Action Case

Thursday, November 09, 2023



The Harvard affirmative action case gave rise to scrutiny of admissions practices there. The article below focuses on the so-called "Z List" for backdoor admissions. It might be noted that the existence of this practice has not been secret; there have been earlier articles about it but the litigation and its result has refocused attention on it now.\* From the NY Post:

## **Harvard has a secret back door for ultra-rich kids with lousy grades**

By Rikki Schlott, Nov. 6, 2023

*What does Harvard University do when faced with well-connected applicants — the children of mega-donors or other highly influential people — who have less-than-ideal SAT scores and GPAs? The put them on the Z-List, according to a college admissions coach. That means the students are advised to matriculate after taking a gap year, making them so-called "data ghosts" — meaning their lackluster academic statistics are not reported in the incoming freshman class. That way Harvard doesn't take a hit to its stellar academic averages — or institutional rankings.*

*"If Harvard doesn't want the student hurting their US News and World Report ranking with their GPA and test scores, they admit them through the Z list," Brian Taylor, managing partner of Manhattan-based college admissions firm Ivy Coach, told The Post. (While Harvard's Law and Medical Schools both pulled out of US News and World Report's college rankings, the university at large has not.) "It often means that the student really doesn't qualify for admission on their own."*

*Harvard has a secret tool to let under-qualified but ultra-connected kids into their school without hurting their reputation: the Z-List. According to Ivy Coach's website, roughly 60 students get a spot on the Z list annually, and are sent a letter that effectively says "we will be pleased to consider your admission in one year."*

*"They're not reapplying," Taylor explained. "They're admitted, and they're guaranteed a spot in a year." In his practice, Taylor says he sees a client admitted on the Z List roughly every other year — though he estimates they account for a single-digit percentage of the students he works with who get into Harvard. "It's for people who are important," he said. "We've had clients who have been admitted on the Z list who are close friends or family of major world leaders or major donors."*

*When a Z-List letter arrives, Taylor says it's "never a surprise." Inevitably, he said, it's for students who he tells at the beginning of the admissions process: "I don't know if you're going to get into Harvard, but the list is your only hope." He adds that there are some strong tell-tale signs that a student was on the list. "When students take a gap year in between their high school years and college, it's a good indication that they may have been admitted to the Z list," Taylor explained. A spokesperson for Harvard did not return a request for comment. Although Harvard is the only school with a so-called "Z-List," Taylor said other elite schools exploit similar loopholes to get students with inconvenient stats in the door. The most common way is exploiting the transfer process.*

*Because US News and World Report doesn't count transfer students' statistics in their ranking calculations, some schools funnel in lower-performing students that way. According to Taylor, Cornell exploits a "guaranteed transfer" system in which applicants with sub-par test scores or GPAs are told to do their freshman year of college elsewhere then re-apply. If they maintain a certain grade point average during their freshman year — typically a B-average — they're guaranteed admission to Cornell as a second-year transfer student. "I don't think it's right that Cornell does that. It's not fair to their peer institutions," Taylor said. "These students go somewhere else and are not investing in that first year of college because they know if they just get A's and B's that they will be going to Cornell the next year." A representative for Cornell declined to comment.*

*But it's not always ultra-privileged students getting backdoor admissions as data ghosts. According to Taylor, some schools do use this loophole to let deserving students in — especially veterans. Two schools he says are well-known for doing this are Princeton, which recently began accepting transfer students, and Columbia University, where the School of General Studies was established to accept veterans as transfers. "I applaud them for using the transfer process to admit more veterans," Taylor said. "They may have a 3.0 GPA, but these young men and women are mature, they've served their country. They've often earned good grades at community colleges.*

*"This gives men and women in uniform a shot at these elite schools."*

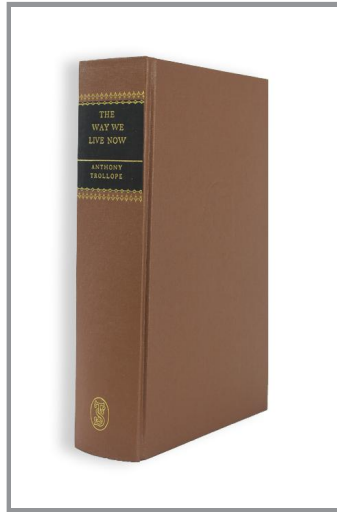
Source: <https://nypost.com/2023/11/06/news/harvards-secret-backdoor-for-ultra-rich-under-qualified-kids/>.

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\* <https://www.thecrimson.com/article/2014/4/3/the-legend-of-the-z-list/>.

# More on the Way We Live Now

Thursday, November 09, 2023



## California College Campuses Convulsed in Protest During Israel-Hamas War

NY Times, Soumya Karlamangla, 11-7-23

Two U.C. Berkeley professors who disagree on Israel and Palestine came together to encourage peace on campus.

*Tensions have been especially high on university campuses since the war between Israel and Hamas began a month ago.*

*The police were called to a U.C. Davis student Senate meeting after students supporting Israel and Palestine began shouting at one another. Stanford Law School moved classes online for a day because of students' concerns about their safety. On Friday, an Arab Muslim student at Stanford University was hurt in a hit-and-run crash that's being investigated as a hate crime.*

*Some have compared the scale of campus protests to demonstrations against the Vietnam War in the 1960s, but there's a key difference. This time, there are deeper divisions among students, as the conflict has widened a yawning gulf between those supporting Israel and Palestine.*

*Many students disagree about how to even talk about the violence, and feelings are heightened by grief as deaths continue to mount in the Middle East. Hamas's surprise attack on Israel on Oct. 7 killed 1,400 people, and the Israeli government has since unleashed a devastating barrage of airstrikes against Hamas in the Gaza Strip, where health officials say more than 10,000 people are now dead. You can follow the latest Times coverage of the war [here](#).*

*At U.C. Berkeley, a campus famous for its political activism, students on both sides have reported that they've been threatened and doxxed. Many wear masks to protests for fear of being identified and harassed on social media.*

*The debate has been polarizing. A Berkeley law professor wrote an opinion essay in The Wall Street Journal calling for firms not to hire his “antisemitic law students.” A group of 300 U.C. faculty members, including many at U.C. Berkeley, wrote a letter condemning the university system’s use of the word “terrorism” to describe Hamas’s attacks on Israel.*

*After a conflict on U.C. Berkeley’s Sproul Plaza between Jewish students and students opposed to Israel’s actions, in which a campus rabbi even took a few blows, Ron Hassner, a professor of Israel studies, had an idea to try to encourage peace at the university. He emailed Hatem Bazian, a lecturer in Middle Eastern languages and cultures and Asian American and Asian diaspora studies, to ask if he would want to co-write a statement calling for students to treat one another with dignity and respect.*

*The two men teach in the same building and are cordial to each other, but they disagree vehemently on Israel and Palestine. They share no common ground — and that was exactly the point of coming together to collaborate, they told me.*

*U.C. Berkeley’s chancellor, Carol Christ, emailed their joint statement to the student body. It reads, in part: “We will not tolerate our students harming one another. Disagreement and differing points of view are an essential part of campus life, and we expect that you treat one another with the same respect and dignity that we are modeling here.”*

*The statement is spare, in part because there is so little the men agree on, including the language to characterize the violence in the Middle East. When I contacted them about a joint phone interview last week, they each said they preferred to speak separately with me.*

*“The wounds are open, and we are grieving,” Hassner told me by email. “The significance of the letter, in my mind, is not that we are friendly colleagues who joined forces for peace but rather that we are not. Writing that letter together was very hard for both of us.”*

*Bazian told me that their statement wasn’t meant to change people’s minds about the conflict, but to dissuade students from resorting to violence. “With the type of intensity of what is taking place in Gaza, I think the temperature of the campus is at a high critical level,” he said. “We want to make sure that everyone has the space to express themselves without actually crossing any boundaries that they would regret.”*

*Hassner said he was clinging to the statement as a sliver of optimism in a dark time. He said he had been moved to tears when Bazian agreed to write it with him.*

*He told me: “It seemed to me like a moment of hope for academia — that there’s something that can be saved if two professors who disagree about everything can agree that academia is sacred. Then at least we’re standing on a solid foundation. And that gives me a lot of hope.”*

Source: <https://www.nytimes.com/2023/11/07/us/california-campus-israel-hamas.html>.

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Below is the joint statement:

To our students, We are two professors on this campus who disagree, vehemently. But

we have always treated one another with respect and dignity. We love this campus with its diverse communities and all of our students and are heartbroken to hear of incidents of near violence between students in recent days. We will not tolerate our students harming one another. Disagreement and differing points of view are an essential part of campus life, and we expect that you treat one another with the same respect and dignity that we are modeling here.

Dr. Hatem Bazian (Lecturer of Middle Eastern Languages and Cultures and Asian American and Asian Diaspora Studies); Dr. Ron Hassner (Professor of Israel Studies)

Source: <https://news.berkeley.edu/2023/10/12/a-call-for-community-on-campus>.

# Health Costs: A likely topic for next week's Regents meeting

Friday, November 10, 2023



As we have already posted, the Regents are meeting at UCLA next week.\* As it happens, the Health Services Committee - which often meets off-cycle - will be part of those meetings. And even if it were not, there might well be complaints about rising health insurance costs for UC active and retired employees. From the [Daily Cal](#):

*In response to the university's announced increased health insurance costs for 2024, faculty organizations across California have been pushing back against university administration. Cheryl Lloyd, the UC Office of the President's, or UCOP, Vice President of systemwide HR, released a statement responding to concerns about increased medical premiums for UC plans in the coming year Oct. 30. According to campus academic researcher Laurel Lucia, staff and faculty will see their premium contributions increase anywhere between 15 and 193 percent.*

*"Nothing I can say will help you balance your monthly budget, but I feel I owe you an explanation of the steps we've taken to maintain quality, choice, affordability and equity," Lloyd said in the statement. "As someone who takes UC's commitment to high-quality and affordable health benefits very seriously, the premium increases for 2024 are painful." The statement also mentioned that UCOP leaders pledged \$93 million in subsidies outside of the university's original budget for lowering premiums. However, a letter from the Berkeley Faculty Association alleges that the UC may have reduced its share of contributions instead.*

*The letter, addressed to university regents and president Michael Drake, notes that in comparing estimated Kaiser health insurance rate increases with UC employee increases, the UC may have reduced contributions by about 20 percent. As of press time, UCOP has not responded to a request for comment on this figure. "Given that many faculty are already struggling with the cost of living in the Bay Area and have received pay rises less than the cost of inflation for several years, this is causing additional hardship and stress," said James Vernon, Berkeley Faculty Association co-chair, in an email. "I've heard from faculty that this is another development that makes it harder for them to continue to work here. It is especially difficult for junior faculty and those with large families."*



*The Berkeley Faculty Association letter objects to both a lack of transparency in the UC's unilateral rate negotiation with health care plan providers and a lack of advance notice for the plan increases. The letter acknowledged that UCOP representatives cited inflation, preventative care during the pandemic, rising costs and clinical workforce shortages as causes for the price increases. However, the faculty association noted that they take issue with the information presented when UCOP was pressed to detail how these prices were negotiated and set.*

*Lucia, who is also a trustee of the United Auto Workers, or UAW, Union 5810 for university postdoctoral scholars and campus researchers, seconded these transparency concerns. She added that the UAW plans to organize in opposition to the increases, and alleged that UCOP did not notify any university union about price changes before open enrollment, although they had known months beforehand that premiums would have to increase. As of press time, UCOP representatives have not responded to requests for comment on these objections.*

*"Your approach serves not only to degrade and disrespect UC's academic employees but also contributes to the ongoing severe erosion of UC's teaching and research mission," the Berkeley Faculty Association letter alleged. "You will be hearing more from us, the people in the UC community who are now learning how their lives and livelihoods will be devastated by the poorly warranted policy changes to our healthcare that UCOP has sprung on them."*

Source: <https://dailyca.org/2023/11/07/university-faculty-unions-express-discontent-with-universitys-announced-premium-increases>.

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\* <https://uclafacultyassociation.blogspot.com/2023/11/the-regents-are-coming-to-ucla-nov-15.html>.

# UCLA Chancellor Search - Part 2

Friday, November 10, 2023



On Wednesday, the "listening sessions" of the chancellor search progress took place via Zoom. Yours truly attended the one for faculty chaired by Nancy Chen-Lane from systemwide HR. She said the timetable for the various steps (see image) is supposed to produce a candidate in May. (That seems like a tight time line unless there is an inside candidate waiting in the wings. So there could be an interim chancellor before the process is complete.)

Yours truly also asked if there is some overlap - formal or informal - between this search and the one also underway for a new chancellor at Berkeley. One could imagine candidates that could be suitable for either campus. The answer given was that there is no link other than the fact that President Drake is chairing both search committees. The fact that UCLA has a medical school and Berkeley doesn't was cited as one reason for the separation. It was also noted that Stanford has a search underway.

There was discussion by various participants of the importance of arts education, UCLA Extension, shared governance, entrepreneurship and cooperation with the business sector, K-12 (UCLA has its own K-12 schools), staff pay, faculty housing and recruitment/retention, the scholarly profile of candidates, fundraising, ability to create and lead a management team, diversity of candidates, the merits of candidates with a background in public vs. private universities, undergraduate issues, and athletics issues related to student-athletes. Basically, notes were taken about the candidates. None of these topics were actually debated.

I don't know what went on at the other listening sessions for students, staff, and alumni. As far as I know, no recordings were made available after the fact of the various sessions.

# The latest on the Harvard data manipulation affair

Saturday, November 11, 2023



The Harvard Crimson reports that co-authors of suspended professor Gino are looking to distance themselves from the fallout:

*Harvard Business School professor Francesca Gino, an academic known for her studies on dishonesty, is at risk of losing her position at the University over allegations of data fraud. Now, Gino's former co-authors are working to keep the rest of her research honest.*

*This Monday, six of Gino's co-authors — professors Max H. Bazerman, Julia A. Minson '99, Don Moore, Juliana Schroeder, Maurice Schweitzer, and Uri Simonsohn — released the “**Many Co-Authors Project**,” a compilation of raw data from all of Gino's past studies. By providing an avenue for academics to review Gino's work, they hope to correct the scientific record and protect Gino's co-authors from allegations of misconduct. “We see it as our professional and moral obligation to provide information about the data provenance and data custody for those papers,” the project's mission states.*

*This past spring, the data analysis blog Data Colada alleged there was fraudulent data in four of Gino's studies. Simonsohn, one of the organizers behind the Many Co-Authors Project, is also a writer for Data Colada. The site's findings prompted an HBS investigation into Gino's work, which culminated in Gino being placed on unpaid administrative leave earlier this year.*

*After she was placed on leave, Gino leveled a \$25 million lawsuit against the Business School, Data Colada, and HBS Dean Srikant M. Datar. Gino maintained that she was innocent and accused the defendants of conspiring to damage her reputation, alleging gender discrimination in the school's handling of her case. In a public statement following the release of the Many Co-Authors Project, Gino's team voiced concerns that the project could interfere with the lawsuit. “Instead of enhancing research practices of the field at large, the project is a witch hunt for one woman, instigated by the very people and groups involved in the lawsuit,” said Andrew T. Miltenberg, an attorney for Gino.*

*The six researchers emailed **143 academics** across 138 published papers co-authored by Gino, asking whether Gino had been involved in the data collection of each paper. If the co-authors confirmed or were unsure of Gino's involvement, the Many Co-Authors team requested access to the papers' raw data. The project's website catalogs Gino's*

*involvement in each of these studies and links the raw data when available. The project also emailed Gino a spreadsheet with questions on the 138 publications, which they said they would publish if Gino provides a response. In the spreadsheet, the six researchers asked about Gino's involvement in data collection, whether the data was collected on Qualtrics, and for collaborators with authorization to Qualtrics for each study.*

*Gino criticized the Many Co-Authors Project for a lack of transparency, claiming the group kept her "in the dark" and only invited her to participate two weeks before it went public. "I have deep reservations with the way the project was structured," Gino wrote. "For months, I was kept in the dark about the details of the MCAP."*

*According to the website, the Many Co-Authors Project will make all information it receives publicly available, and studies' authors are encouraged to caption their articles with updates on the presence or absence of apparent data manipulation. These "living documents" can be changed as academics reexamine the validity of the studies they co-authored with Gino...*

Full story at <https://www.thecrimson.com/article/2023/11/8/gino-many-coauthors-project/>.

(If you haven't been following this matter, type "Gino" in the search engine for this blog.)

# No Mention of the UCLA Health and MLK Community Hospital Relationship?

Saturday, November 11, 2023



The LA Times reports that the Martin Luther King Community Hospital is running out of money. There is no mention in the article, however, about the partnership between UCLA Health and MLK. From the Times:

*MLK Community Hospital, a crucial safety-net facility serving the South Los Angeles area, may run out of money to pay its bills as soon as next year, hospital leaders are warning. The nonprofit hospital, which was established to replace the closed King/Drew Medical Center, lost more than \$42 million in the budget year that ended in June, according to officials at the privately run facility. The Willowbrook facility was established with a unique funding system that included supplemental payments from the state and county government to keep the hospital afloat. But the funding formula has failed to keep pace with inflation and a steep increase in staffing expenses, among other shortcomings, MLK leaders said. The end of federal aid that had been given to hospitals during the COVID-19 pandemic was another blow, they added.*

*One of MLK's biggest challenges is the fact that its emergency department has been deluged with four times as many patients as initially expected. That's a problem because Medi-Cal, the California Medicaid program, does not fully cover the costs for providing emergency services, hospital leaders said...*

Full story at <https://www.latimes.com/california/story/2023-11-10/mlk-financial-trouble>.

From UCLA Health:

*... In 2009, the Los Angeles County Board of Supervisors and University of California regents approved a plan to build a new hospital to replace the King/Drew Medical Center. Infrastructure funding would come from the county, staffing and quality oversight from UCLA Health and a private, nonprofit team, Martin Luther King, Jr. Los Angeles Healthcare Corporation, would oversee the hospital's operations. By 2015, the Martin Luther King, Jr. Community Hospital was fully operational, with Dr. Batchlor, a physician with a Masters in Public Health from UCLA, at its helm.*

*In several interviews, Dr. Batchlor emphasized her focus was improve the health of the whole community.*

*That focus is what inspired Dr. Hamid Nourmand, MLKCH Chief of Staff and UCLA professor of clinical liver transplant anesthesiology who began his career working with underserved populations, to come to MLKCH. He would help lay the groundwork for the hospitals' relationship. When he first signed on as Secretary-Treasurer of the medical staff, one of his early tasks was to join hospital leaders in ensuring licensure certification.*

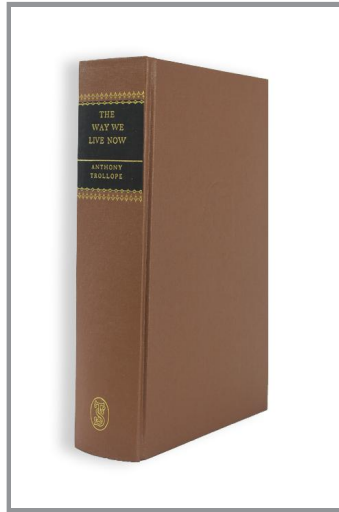
*Although the certification was anticipated to take at least five days, it concluded within less than half that time. "At the end of the second day, we gathered downstairs in the lobby and heard we were granted the licensure to open the hospital," says Dr. Nourmand, now medical director of the MLKCH Anesthesiology Department and chief of the UCLA-MLKCH Anesthesiology Program. "Many of the people who I worked with at the time, they were crying with pride and happiness." ...*

Full story at <https://www.uclahealth.org/news/mlk-community-hospital-ucla-health>.

Although the Regents and UC have no responsibility for the MLK budget, one might expect some concern about the situation from UC. The Regents' Health Services Committee is meeting next week on an executive pay matter, but no item on MLK is included.

# The Way We Live Now - Continued

Sunday, November 12, 2023



## **Columbia, MIT Discipline Student Groups for Anti-Israel Protests**

- Schools face complaints they're not protecting Jewish students
- Free speech concerns eclipsed by student safety, school rules

By Janet Lorin

November 10, 2023, [Bloomberg](#)

*A handful of US colleges, including Columbia University and the Massachusetts Institute of Technology, have started to take action against pro-Palestinian protests deemed to be against school rules or hostile to Jewish students.*

*Columbia University on Friday temporarily suspended two student groups supporting the Palestinian cause that it said repeatedly violated university policy after an unauthorized event proceeded “despite warnings and included threatening rhetoric and intimidation,” the Ivy League school said in a statement.*

*MIT stopped short of suspending students because of potential visa issues but barred them from non-campus activities while the school investigates a protest conducted in defiance of school rules that was “disruptive, loud and sustained through the morning hours,” the university said in a statement.*

*US universities have been hesitant to draw boundaries around free speech, but they now appear comfortable finding rule breaches by demonstrators, whose rallies have sometimes led to intimidation, physical altercations and accusations of antisemitism. Parents and alumni have threatened to stop donating, saying the schools weren't doing enough to keep Jewish students safe.*

*At Ohio State University, two incidents directly targeted the Jewish community in 24 hours. Two students were assaulted and the campus Hillel was vandalized, the school's president said Friday. At Cornell, online threats against Jews resulted in a student's arrest. At Columbia, Students for Justice in Palestine and Jewish Voice for Peace, an*

*anti-Zionist group, were suspended through the end of the fall term and won't be eligible to hold events on campus or receive university funding, said Gerald Rosberg, senior executive vice president.*

*On Thursday, hundreds of students participated in a walkout at the New York City school sponsored by the two groups. Protesters wanted the university to "take action by calling Israel's attacks a genocide and canceling the University's business interests and partnerships in Israel," according to the Columbia Spectator, the student newspaper. "Lifting the suspension will be contingent on the two groups demonstrating a commitment to compliance with University policies and engaging in consultations at a group leadership level with University officials," Rosberg said in the statement.*

*Brandeis University in Massachusetts this week stopped recognizing its chapters of Students for Justice in Palestine because it openly supports Hamas, which is labeled a terrorist group by the US, according to President Ron Liebowitz.*

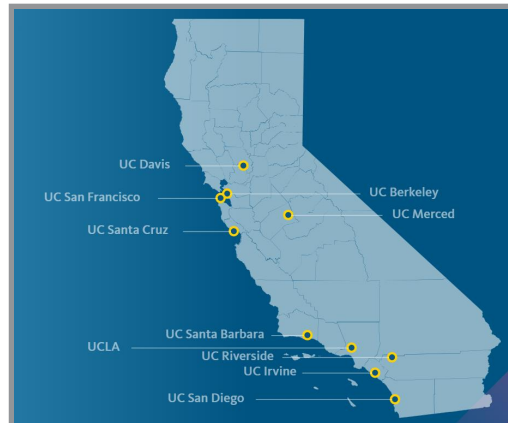
*"All students, faculty, and staff are welcome here, and encouraged to participate in the free exchange of ideas," Liebowitz said. "To promote such free exchange, we must not and do not condone hate, the incitement of violence, or threats against or harassment of anyone, be they Jewish, Muslim, Christian, Buddhist, Hindu, Israeli, Palestinian, or any other religion or ethnicity."*

Source: <https://www.bloomberg.com/news/articles/2023-11-10/columbia-mit-discipline-student-groups-for-anti-israel-protests>.



# UC president, 10 campus chancellors issue statement on intolerance ...

Sunday, November 12, 2023



UC Office of the President, November 10, 2023

University of California President Michael V. Drake, M.D., and the 10 University of California chancellors sent the following message to members of the UC community:

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To the University of California community,

*We write today to condemn the alarming, profoundly disappointing acts of bigotry, intolerance, and intimidation we have seen on our campuses over these past several weeks. It is our shared responsibility to maintain a sense of community where everyone feels safe and welcome. Some of the rhetoric we have seen and heard over the past month at campus protests, online, in student government meetings, and in classrooms has been shocking and abhorrent. Let us be clear: There is no place for hate, bigotry, or intimidation at the University of California. Period.*

*Antisemitism is antithetical to our values and our campus codes of conduct and is unacceptable under our principles of community. It will not be tolerated. Similarly, Islamophobia is unacceptable and will not be tolerated. We will work to ensure that those who advocate on behalf of Palestinians can also be confident of their physical safety on our campuses.*

*It is our collective responsibility to foster a safe and welcoming learning, living, and working environment while also promoting the principles of free expression and academic freedom. We take our obligation to uphold the First Amendment seriously, even when the viewpoints expressed are hateful or repugnant. We cannot censor voices or ban groups we disagree with, so long as those voices and groups comply with state and federal laws and with university policy.*

*But free speech is not absolute, and violations of policy or law will have consequences. Regents Policy 4403: Statement of Principles Against Intolerance calls on UC leaders*

*“actively to challenge anti-Semitism and other forms of discrimination when and whenever they emerge within the University community.”\* We will uphold this policy. Our campuses have and will continue to impose consequences on behavior that crosses the line into unprotected speech, such as persistent harassment of individuals or groups, or credible threats of physical violence. We will also take steps against any violations of the law or university policy such as disruptions of university activity, violence, or vandalism. Our educators must continue to provide a supportive and welcoming environment for all students and avoid using classroom time for improper political indoctrination.*

*And while words matter a great deal — and we stand firmly by the words we share today — this is also a time for action. Over the coming days, President Drake will announce a series of initiatives to help us address the current climate on our campuses, provide additional support for our students, staff, and faculty, and improve the public discourse on this issue.*

*Members of the UC community may have differing opinions on the Middle East conflict, but our stand on intolerance and intimidation in our own community is unequivocal: We will not stand for it, and we will do everything in our power to ensure that the University of California is a safe community for all.*

Michael V. Drake, M.D., President, University of California

Gene Block, Chancellor, UCLA

Carol Christ, Chancellor, UC Berkeley

Howard Gillman, Chancellor, UC Irvine

Sam Hawgood, Chancellor, UCSF

Pradeep Khosla, Chancellor, UC San Diego

Cynthia Larive, Chancellor, UC Santa Cruz

Gary May, Chancellor, UC Davis

Juan Sánchez Muñoz, Chancellor, UC Merced

Kim Wilcox, Chancellor, UC Riverside

Henry Yang, Chancellor, UC Santa Barbara

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Source: <https://www.universityofcalifornia.edu/press-room/university-california-president-10-campus-chancellors-issue-statement-intolerance-campus>.

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\* <https://regents.universityofcalifornia.edu/governance/policies/4403.html>.

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**Meanwhile, back at the ranch, there is this from UC-San Diego via the San Diego Union-Tribune:**

*UC San Diego's student council condemned antisemitism Wednesday night, under strong urging from Jewish students who said the board has been ignoring their existence and safety amid the hot rhetoric arising from the Israel-Hamas war. The action came after a month of growing concerns among both Jewish and pro-Palestinian students that inflammatory remarks are creating a hostile environment, and that the university's administration has been slow to deal with the situation.*

*Associated Students, which helps oversee undergraduates, had decided against condemning antisemitism a week earlier during a vote taken in the middle of the night. Late Wednesday, the board reversed its decision after hearing speeches that included pro-Palestinian speakers who say they are the ones being ignored and persecuted. There were 21 yes votes, 1 no and 5 abstentions. The remarks represented some of the most charged political exchanges at UCSD since anti-Vietnam war protests half a century earlier. Those students speaking in support of Palestinians were largely represented by the local chapter of Students for Justice in Palestine, which did not respond to a request from the San Diego Union-Tribune for a comment on the vote.*

*Many of the nearly 40 students who spoke to the board said they been insulted, harassed or threatened since the war began on Oct. 7 and now fear stepping on campus. Some students told the Union-Tribune they are especially concerned about being safe on Library Walk, a corridor where pointed political conversations are not unusual. The area leads to UCSD's most iconic building, Geisel Library.*

*Students from both sides have criticized Chancellor Pradeep Khosla's public statements, which some have called insufficiently thorough, timely and empathetic. Other university leaders across the country are also receiving heat from students and faculty, including Harvard's Claudine Gay, who was accused of being slow to respond to the Oct. 7 attack Hamas launched against Israel. Khosla has met with Hillel of San Diego. And he is scheduled to meet locally next week with the president of the University of Haifa, according to a spokesperson for the Israeli school. But it is unclear whether Khosla has met with pro-Palestinian groups. The chancellor has declined several requests from the Union-Tribune to talk about the situation on campus.*

*The controversy comes at a time when many students at the nation's colleges and universities are being very cautious about what they say for fear of being ostracized on social media or in person. Earlier this week, Brandeis University outside Boston announced that it would no longer support its campus' chapter of the National Students for Justice in Palestine. The school, which is roughly one-third Jewish, told the media that NSJP supports Hamas' war against Israel.*

*During Wednesday's Associated Students meeting at UCSD, most SJP members and some Jewish students declined to state their names. And many SJP members wore masks or kuffiyeh scarves to hide their faces for fear of being harassed. Pro-Palestinian supporters also have worn facial coverings during demonstrations at other schools, including Harvard, UC Berkeley and New York University.*

*Wednesday's discussion stemmed from an incident at the AS board's meeting on Oct. 25. Dozens of SJP members showed up during the board's public comment period, stood behind student senators and pressed the board to endorse a statement in support of*

*Palestinians, a university videotape of the meeting showed.*

*“The University’s disregard for the killing of innocent civilians in Gaza is irresponsible, biased, and dehumanizes Palestinian life,” that statement read in part. “Furthermore, the university’s implicit categorization of Palestinians as ‘terrorists’ and ‘antisemitic’ perpetuates the racist notion that the offensive was unprovoked and done solely to be ‘launched on a major Jewish holiday.’ ” A student who identified herself as Alicia, without giving her last name, told the board “almost everyone in this room disgusts me ... I have literally faced so much hatred ... I have seen mockery.”*

*AS later unanimously endorsed the SJP statement by a vote of 24 to 0. Several members later said they had felt pressured to do so. The vote angered Hillel of San Diego, which is located next to campus. There was particular concern about an SJP member’s use of false, antisemitic tropes about Jewish influence in the media and finance. The remark appears at the 22:49 minute moment of the video recording. One AS member, Ivan Ramirez, then co-authored a resolution condemning antisemitism on campus.*

*His statement also said, “Associated Students of UC San Diego apologizes for not properly researching and reviewing content contained in the Students for Justice in Palestine Statement Release and for not ensuring proper consideration and representation of the Jewish community at UC San Diego before approving an endorsement” for the SJP statement. Jewish students turned out in force for the board’s Nov. 1 meeting, telling AS that they’ve been increasingly targeted in the wake of the war. Some used the term “Jew-hatred” instead of antisemitism.*

*The board defeated Ramirez’s resolution last week with 6 members voting yes, 11 voting no and 9 abstaining. But Ramirez re-introduced his resolution on Wednesday, and dozens of Jewish students and SJP members spoke, many reading impassioned statements off their cellphones. “We are only halfway through the quarter, and my friends and I have been called terrorists, murderers, rapists,” one unidentified pro-Palestinian speaker said. “We’ve received death threats, been followed to our cars, are constantly given looks.”*

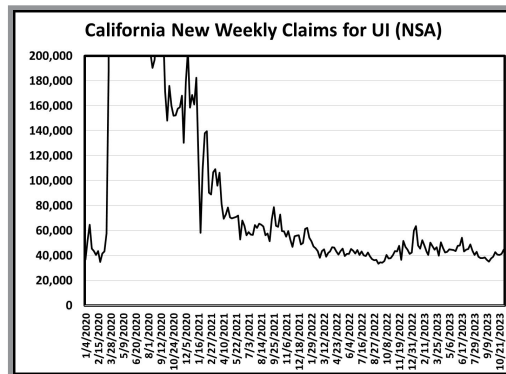
*“Why is it that I have to miss class and work for the past month to fight for Jewish equality on this campus when it is (the board’s) job to represent all Jewish students equally?” an unidentified Jewish student asked. “The last time the world was silent to this extent of Jewish discrimination 6 million Jews were murdered.” When it came time to vote Wednesday night, the board removed references to Students for Justice in Palestine from the draft resolution, due to concerns they would be disparaging, and focused on condemning antisemitism.*

*Ramirez expressed ambivalence Thursday. “Overall, I think that the resolution that ended up passing was somewhat performative and did not achieve its intended goal of representing the specific concerns of the Jewish population,” he said. “While I am still glad that something was passed condemning Jew-hatred and antisemitism, we should not have removed an apology we were going to make for failing to research the information in the SJP letter we endorsed on Oct. 25.”*

*S o u r c e :  
<https://www.sandiegouniontribune.com/news/education/story/2023-11-09/tensions-flare-israel-hamas-jewish-palestinian-students-ucsd-unsafe>.*

Once again...

Sunday, November 12, 2023

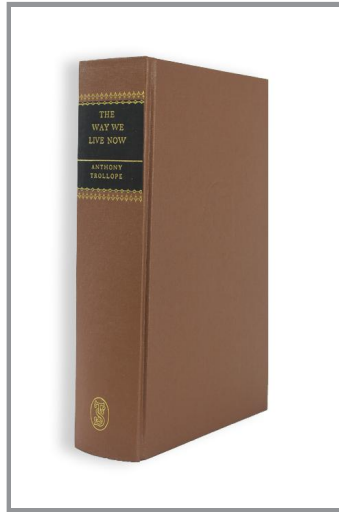


Once again, our weekly look at the latest new weekly California claims for unemployment benefits data reveals no departure from the pre-pandemic (boom) levels that have characterized the series for some time now. No sign of recession apparent from these data. Yes, there is no lack of uncertainty due to the Israel-Gaza War and where that might lead, the gridlock in Congress, and a kind of Jimmy Carter-ish malaise (Google it!) that seems to have descended on the electorate if polls are to be believed.

As always, the latest claims data are at <https://www.dol.gov/ui/data.pdf>.

# And More on the Way We Live Now

Monday, November 13, 2023



With the Regents meeting at UCLA's Luskin Hotel later this week, look for some kind of spillover from around higher ed into those meetings. (See also earlier posts on this blog.) When yours truly used the public comment segment over the summer - there are three of them on the agenda this time - security was extremely tight with police presence, metal detectors, etc. And that was well before the current war had broken out.

More on goings on from other universities below:

## **Harvard to Add Antisemitism to DEI After Ackman Criticism**

By Janet Lorin, Bloomberg

November 10, 2023

*Harvard University President Claudine Gay responded to criticism by students and alumni including Bill Ackman that the school isn't doing enough to protect Jewish students, saying it would expand its diversity program to combat antisemitism. The Ivy League university has come under intense criticism that started the day of the Oct. 7 Hamas attack on Israel. More than 30 student groups issued a statement that blamed Israel for the attack and not Hamas, which is classified as a terrorist group by the US and European Union.*

*Since then, protests at Harvard by pro-Palestinian groups have included intimidation, online messages and shouts of "From the River to the Sea, Palestine Shall Be Free," Ackman said. In a letter to Gay posted on X over the weekend, the hedge fund manager described the situation on the Cambridge, Massachusetts, campus as "dire" after meeting with students and faculty. "Our community must understand that phrases such as 'from the river to the sea' bear specific historical meanings that to a great many people imply the eradication of Jews from Israel and engender both pain and existential fears within our Jewish community," Gay said in an email to the Harvard community Thursday. "I condemn this phrase and any similarly hurtful phrases."*

*Harvard has heard from furious alumni who have threatened to stop donating — from billionaires like Ackman to dozens of alumni who have pledged \$1 and condemned Harvard’s failure to address the campus culture. In response, Gay has issued multiple letters denouncing antisemitism, formed an advisory group and planned to create training for students, faculty and staff on antisemitism broadly and at Harvard specifically. She attended a Hillel dinner and posted comments on her web page.*

*In her latest message, Gay also addressed an incident on the Harvard Business School campus on Oct. 18 that is being investigated by the FBI and the Harvard University Police Department. Videos circulated online show what appears to be Harvard students harassing a Jewish student during an anti-Israel protest. “Consistent with our standard practice, once law enforcement’s inquiry is complete, the University will address the incident through its student disciplinary procedures to determine if University policies or codes of conduct have been violated and, if so, take appropriate action,” Gay wrote.*

*In addition, Gay said the school will “build on the initial steps taken” by its diversity, equity and inclusion office to more fully integrate antisemitism into the group’s work. The university will also examine how it might strengthen scholarship on antisemitism, she said. Ackman had asked for immediate responses, and in a post Friday, slammed Harvard and the Massachusetts Institute of Technology for failing to discipline protesters who violate their rules, further emboldening those to more “aggressive, disruptive and antisemitic actions.”*

*“This has created a climate of fear that is not conducive to a university education,” Ackman wrote on X. “The failure to discipline students who have bullied, assaulted or otherwise been abusive to Jewish students under the guise of free speech or a supposed requirement to wait for the completion of a police and FBI investigation is similarly absurd.”*

*Ackman included a post from MIT Professor Retsef Levi\* who wrote of continued harassment on his campus, including protests supporting Hamas, despite the administration setting guidelines to avoid “unsafe protests on campus.”*

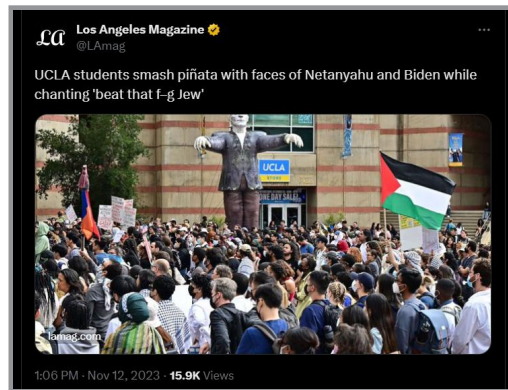
Source: <https://www.bloomberg.com/news/articles/2023-11-09/harvard-to-add-antisemitism-to-dei-policy-after-ackman-criticism>.

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\* <https://twitter.com/RetsefL/status/1722852140245254559>.

# Not what should be happening...

Tuesday, November 14, 2023



Source: <https://twitter.com/LAMag/status/1723809416540217590>. **UCLA Condemns 'Hateful Behavior,' 'Antisemitic Language' from Pro-Palestinian Student Protesters**  
*Students went viral online Friday for screaming "beat that fucking Jew" through a megaphone while bashing a piñata bearing an image of Israeli Prime Minister Benjamin Netanyahu.*

GREG GILMAN Los Angeles Magazine 11-12-23

*UCLA Chancellor Gene D. Block condemned antisemitic behavior from students captured on camera during a pro-Palestinian protest last week, when students were heard screaming "beat that fucking Jew" through a megaphone while bashing a piñata bearing an image of Israeli Prime Minister Benjamin Netanyahu. "At an event just this week on our campus, individuals exhibited extremely hateful behavior and used despicable antisemitic language, which was captured on video and shared widely, frightening many within our community,"*

*Block said in a letter to the community on Friday. "While this may be protected speech under the First Amendment, it is nonetheless abhorrent and completely unacceptable. Campus officials are reviewing the actions at the event and anyone found to be in violation of the law or the UCLA code of conduct will be held accountable."*

*The viral incident, which was reported by the New York Post on Friday, occurred during a demonstration organized by Students for Justice in Palestine, gathering to demand the U.S. end funding to Israel. The Daily Bruin reported that President Joe Biden was also pictured on one of the piñata's protesters were beating. Students at the rally wore face masks and keffiyehs to conceal their identity while chanting familiar refrains heard at pro-Palestinian rallies across the country: "Free, free Palestine," "Israel, Israel, you can't hide, we charge you with genocide" and "From the river to the sea, Palestine will be free."*

*"Periods of conflict in the Middle East have time and again been linked to a global rise in reprehensible acts of Antisemitism, Islamophobia and anti-Arab hate," Block said in his statement. "I am extremely disheartened to say that this has proven true once again, and the UCLA campus has by no means been spared." He continued, "Today, I joined University of California President Michael V. Drake and the UC chancellors in issuing a forceful condemnation of incidents of bigotry, intolerance and intimidation that have taken place on UC campuses — including UCLA — over the past several weeks. We must be crystal clear: discrimination, threats, violence and hate have absolutely no place in a university community dedicated to open-mindedness, respect and mutual understanding." Both Block and Drake will be sharing further UC-wide initiatives designed to "strengthen community and reaffirm our values in this period of intense strife."*



*The protest Wednesday is the latest in a long line of what UC administrative leaders described as "alarming, profoundly disappointing acts of bigotry, intolerance, and intimidation we have seen on our campuses over these past several weeks." In addition to Block's letter, Drake and the 10 University of California chancellors sent a unified message the same day.*

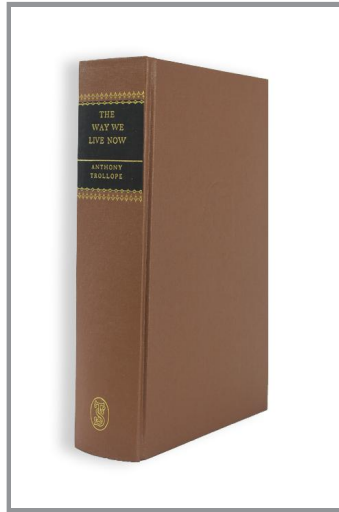
*Some of the rhetoric we have seen and heard over the past month at campus protests, online, in student government meetings, and in classrooms has been shocking and abhorrent. Let us be clear: There is no place for hate, bigotry, or intimidation at the University of California. Period. Antisemitism is antithetical to our values and our campus codes of conduct and is unacceptable under our principles of community. It will not be tolerated. Similarly, Islamophobia is unacceptable and will not be tolerated. We will work to ensure that those who advocate on behalf of Palestinians can also be confident of their physical safety on our campuses.*

*Meanwhile, the university's Undergraduate Students Association Council's Cultural Affairs Commission complained last week that a 35-year-old white woman stormed their office on campus to accuse staff of being "terrorists" and "nazis." "Zionists who do not attend this school are being allowed entry into UCLA to freely harass students. It speaks volumes of the level of unsafety that our students are facing," the organization wrote in an Instagram post. "Various attacks like these have been happening on campus for weeks and UCLA has not done a sufficient job to intervene or even condemn harm against students who support Palestine.\**

Source: <https://lamag.com/news/ucla-condemns-pro-palestinian-student-protesters-antisemitic-behavior>. == \* <https://www.instagram.com/p/CzXnL2ELkpd/>. The Instagram account of Cultural Affairs seems to be linked to SJP = Students for Justice in Palestine.

# The Way Santa Cruz Lives Now

Tuesday, November 14, 2023



## **Upholding community responsibilities**

To: UCSC Community

From: Chancellor Cindy Larive

November 13, 2023

Dear Campus Community,

Everyone has been through a great deal in the past month. You already face innumerable pressures both private and shared, and have continued your work and education in the face of global tragedies that should be unthinkable, but sadly are not. As our community members seek to have their voices heard and to engage in protest, it is crucial not to let the overwhelming nature of the pain we feel cause us to abandon our obligations to each other.

As a campus with only two entrances and limited roadways, we depend on our community to promote safety and accessibility. We rely on individual members to act in ways that promote the safety and inclusion of others, and to encourage others to uphold our community responsibilities.

On Thursday, unfortunately, some disregarded these responsibilities by blocking the main entrance of our campus for hours, preventing ingress and egress, closing the intersection, and creating unsafe situations where drivers were waved into the intersection by protesters and then surrounded. Stepping into an active intersection without coordination to safely stop or divert traffic created an unacceptable safety risk to not only the motorists but to those who were protesting. Blocking the entrance to campus and the city street are not protected by the First Amendment. It is dangerous, a policy violation, and illegal.

These actions also contradict the values to which our community commits and on which it depends for our collective well-being. When a group chooses to block the entrance and the street, they are disadvantaging some of our most vulnerable community members. What do these actions say to those with mobility limitations, those who rely on buses for transportation, or those who are solely responsible for childcare? For many, the campus is their home, the place where they receive food and healthcare. I ask everyone to consider the fact that the most harm is caused to those who are already vulnerable when you prevent people from entering and exiting campus.

The impacts also went beyond UC Santa Cruz. The streets surrounding campus are the jurisdiction of the City of Santa Cruz and many families depend on them to go to work, care for their family needs and much more. **Students, faculty or staff who choose to block an entrance or otherwise disrupt normal activity on our campus will be held accountable under applicable policy or law.**

Protest and free speech are rights that we protect on this campus. Blocking city streets and denying access to campus is not. Accessing the campus freely is a right we need to collectively protect. We must work together as a community to ensure that we do not prevent access to food, housing, healthcare, and education for those without the ability to hike or bike up the hill, or those who rely on the bus.

As a university, we must support, uphold, and protect the rights of everyone in our campus community. This means both ensuring our community members can demonstrate in a way that elevates issues they care so deeply about while also ensuring such activities do not infringe on the rights of others. With your help, we can do both.

Sincerely,

Cindy

Cynthia Larive

Chancellor, UC Santa Cruz

Source: <https://news.ucsc.edu/2023/11/community-responsibilities.html>.

# One Step Ahead

Wednesday, November 15, 2023



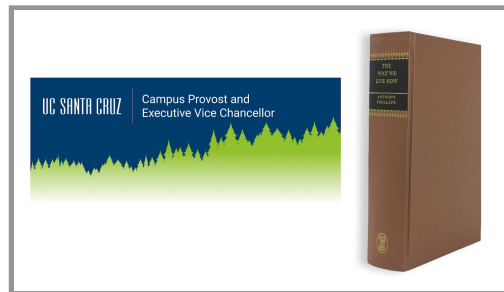
Even as some AI detectors have become better at identifying AI-generated essays, new tricks to stay one step ahead of them have been uncovered. From the Sacramento Bee:

*... The scientists began by generating 31 counterfeit college admissions essays using ChatGPT 3.5, the free version that any student can use. GPT detectors were pretty good at flagging them. Two of the seven detectors they tested caught all 31 counterfeits. But all seven GPT detectors could be easily tricked with a simple tweak. The scientists asked ChatGPT to rewrite the same fake essays with this prompt: "Elevate the provided text by employing literary language." Detection rates plummeted to near zero (3 percent, on average)...*

Full story at <https://www.sacbee.com/news/business/article281801953.html>.

# The Way Santa Cruz Lives Now - Part 2

Wednesday, November 15, 2023



**Email From: CPEVC Lori Kletzer <officeofcpevc@ucsc.edu>Subject: Policies regarding academic freedom and political advocacy in the classroom**

November 13, 2023 Dear Instructional Community,

I write today to draw attention, and provide references, to University of California policy regarding academic freedom and political advocacy in the classroom and other instructional spaces. In an overall context that provides instructors with considerable academic freedom, University policy imposes limits on using the classroom and courses of instruction for political advocacy. These University policy limits co-exist with the free speech rights all individuals have when acting as private citizens.

The principal policies that apply to these matters are (references to the URLs are below this message):

- For all instructors and Teaching Assistants, Regents' Policy 2301;
- For Senate faculty, the Faculty Code of Conduct found in Section 015 of the Academic Personnel Manual ( APM 015); and
- For Unit 18 Lecturers, Section B4 of the Collective Bargaining agreement.

Centrally, I want to call your attention to Regents' Policy 2301, which applies to all members of the University instructional community, in its prohibition of canceling a class session for the purpose of encouraging students to participate in a protest or rally.

I want to highlight several prohibitions in these policies:

- significant intrusion of material unrelated to the course (APM 015, Section II, A.1.b and Section B4(b) of Unit 18 agreement);
- use of the position or powers of a faculty member to coerce the judgment or conscience of a student or to cause harm to a student for arbitrary or personal reasons (APM 015, Section II, A.5 and Section B4(h) of Unit 18 agreement); and
- misuse of the classroom by allowing it to be used for political indoctrination, for purposes other than those for which the course was constituted, or for providing grades without commensurate and appropriate student achievement ( Regents' Policy 2301).

In addition,

- Regents' Policy 2301 stipulates "the right of students to have their classes held on the regularly scheduled basis and to be taught by the instructor whose responsibility it is to teach the course in question is to be upheld"; and
- APM 015, Part II, A.1.c. defines "significant failure to adhere, without legitimate

reason, to the rules of the faculty in the conduct of courses, to meet class, to keep office hours, or to hold examinations as scheduled” to be a violation of the Faculty Code of Conduct.

I also want to remind all in our campus community of our Principles of Community and of the importance of ensuring that students are not made to feel intimidated, threatened, and/or excluded in their classes.

It is our collective responsibility to foster a safe and welcoming learning, living, and working environment while also promoting the principles of free expression and academic freedom.

Instructors who have questions concerning permissible or impermissible actions should discuss them with their department chair or dean.

Sincerely,

Lori Kletzer  
Campus Provost and Executive Vice Chancellor

Relevant URLs:

- The URLs for the reference policies are
- APM 015: [https://www.ucop.edu/academic-personnel-programs/\\_files/apm/apm-015.pdf](https://www.ucop.edu/academic-personnel-programs/_files/apm/apm-015.pdf).
- Regents’ Policy 2301: <https://regents.universityofcalifornia.edu/governance/policies/2301.html>.
- Collective Bargaining agreement with Unite 18: [https://ucnet.universityofcalifornia.edu/labor/bargaining-units/ix/docs/ix\\_03\\_academic-responsibility\\_2016-2020.pdf](https://ucnet.universityofcalifornia.edu/labor/bargaining-units/ix/docs/ix_03_academic-responsibility_2016-2020.pdf).

S o u r c e :  
<https://view.messaging.ucsc.edu/?qs=1e84715352b4ca7b0c24c33fc0ca281d3169413312e831dcb28a43d2cb81967aab5e5a8f2f7c064d840ac6e18b985e710a4d83472f92ee7381560f9513771804d76eddde131df176>.

# Community College DEI Requirements Suspended by Court

Wednesday, November 15, 2023



We have noted in prior posts that there is litigation concerning requiring DEI statements for hiring and promotion purposes at California community colleges.\* Although that litigation does not directly involve UC, any decision regarding public community colleges is unlikely to differ if applied to UC. A court has suspended community college DEI requirements on grounds that the plaintiff is likely to succeed, according to Inside Higher Ed:

*A California judge has suspended the enforcement of rules instituted by the California Community College system intended to ensure faculty and staff members uphold diversity, equity and inclusion values. The rules, which took effect in the spring, establish criteria for the evaluation of employees regarding their “demonstrated, or progress toward, proficiency in diversity, equity, inclusion, and accessibility ... competencies that enable work with diverse communities,” according to a May memo from system leaders.*

*The injunction, granted Tuesday, was in response to a lawsuit against Bakersfield College and Kern Community College District leaders filed by Daymon Johnson, a history professor at the college. His suit alleged that he and other professors were penalized for espousing conservative views under the system’s mandate and discouraged from exercising their free speech rights. The lawsuit claimed the rules were unconstitutional and called for them to be suspended.*

*A magistrate judge for the U.S. District Court for the Eastern District of California concluded that system leaders’ “aim of promoting diversity, equity, inclusion, and accessibility in California’s system of community colleges undoubtedly is important.” However, Johnson “has shown a likelihood of success on the merits that the regulatory scheme Defendants have put in place to advance these interests is contrary to the First Amendment’s guarantee of freedom of speech in the academic arena.” ...*

Full story at <https://www.insidehighered.com/news/quick-takes/2023/11/15/california-judge-suspends-community-college-dei-rules>. The actual court decision is at:

<https://storage.courtlistener.com/recap/gov.uscourts.caed.429122/gov.uscourts.caed.429122.70.0.pdf>.

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\* <https://uclafacultyassociation.blogspot.com/2023/10/another-dei-higher-ed-lawsuit-in.html>. See also <https://uclafacultyassociation.blogspot.com/2023/11/debate-program-are-dei-mandates-for.html>; <https://uclafacultyassociation.blogspot.com/2023/08/more-on-loyalty-oaths.html>; <https://uclafacultyassociation.blogspot.com/2023/08/uc-history-loyalty-oath.html>; <https://uclafacultyassociation.blogspot.com/2023/09/sturm-und-drang.html>.



# Erosion of the Idea of Student-Athlete Amateurism - Part 2

Thursday, November 16, 2023



From *Sportico*: While testifying before a Senate Judiciary Committee last month, new NCAA president Charlie Baker sought to make the case that it isn't just the association that opposes college athletes becoming employees of their institutions. The athletes, Baker submitted, are almost entirely in opposition, as well. Relying on seven months' worth of personal experience, Baker told lawmakers he had "talked to probably a thousand student-athletes since I got this job, and I haven't talked to one yet [who] wants to be an employee. I think that's important."

The under-oath comment set off the BS detectors of NCAA skeptics inside and outside of college sports, including that of **UCLA senior backup quarterback Chase Griffin**. "I think, in the literal sense, what Baker said is impossible," said Griffin, who has become a leading advocate for college athletes profiting from their play. Griffin recently launched a newsletter called *The Athlete's Bureau*, designed to "amplify the perspectives" of college athletes.

Baker's anecdotal testimony was recently contravened by the findings of Bill Carter, a sports marketer who runs the NIL consulting firm, *Student-Athlete Insights*. Last week, Carter publicized the results of an email survey he says he conducted with a panel of 1,086 current college athletes, in which 73% were "in favor" of becoming employees of their institutions and more than half were "interested" in joining a college athlete union. In a telephone interview, Carter acknowledged that his poll is not to be taken as a scientific survey, but said its revelations are likely to be much more representative of where college athletes stand on the employee question than what Baker conveyed to senators.

In last month's hearing, Baker didn't elaborate how he had determined, through interactions with athletes, the unanimity of their anti-employment sentiment. For example, was he simply extrapolating athletes' disinterest by them not bringing the subject up? Had he regularly solicited their interest in the matter and, if so, in a dispassionate or open-ended manner? And what kinds of athletes had he been speaking to? Recently, *Sportico* has repeatedly asked the NCAA for further clarification about Baker's claim to

*Congress—as well as the association’s lack of more rigorous insights into the question of where athletes stand on the matter of employment, direct compensation and unionization.*

*The NCAA’s response has been largely tangential. Initially, its communications department provided copies of letters sent to members of Congress by Cody Shimp, chair of the Division I Student-Athlete Advisory Committee (SAAC), as well as four commissioners of HBCU conferences, which advocated against college athletes obtaining employee status. When pressed further about what Baker said he gleaned from his personal athlete interactions, the NCAA suggested that he was basing his assessment on the formal positions of the SAAC groups...*

Full story at <https://www.sportico.com/leagues/college-sports/2023/ncaa-president-baker-athlete-employment-consensus-1234746285/>.

# No Toy Money?

Thursday, November 16, 2023



From the LA Times: *Mattel, the company behind Hot Wheels, Fisher-Price and Barbie, pledged in 2017 to donate \$49 million to UCLA to support its children’s hospital. But now the hospital says Mattel never came through with the money. According to a new lawsuit, the El Segundo toy company made “the inexplicable decision a few short years later to renege on that pledge” and is now trying to offer the pediatric hospital just a few million dollars, plus a bunch of Barbie dolls, Hot Wheels cars and other in-kind donations.*

*The suit, filed last week on behalf of the regents of the University of California and the UCLA Foundation, accuses Mattel of breach of contract for going back on its giving pledge and is seeking the full amount of the original pledge, plus damages for alleged financial difficulty stemming from the company’s decision to back out of its giving plan.*

*“As a last resort, UCLA Health has taken legal action to compel Mattel Inc. to honor its \$49 million pledge,” UCLA Health spokesperson Phil Hampton wrote in a statement. “Litigation is not the University’s preferred path. UCLA Health made multiple good-faith attempts to resolve this matter through meaningful dialogue, and those efforts were unsuccessful.”*

*“We are hopeful that an alternative resolution can be found through dialogue grounded in respect for a relationship of more than 25 years and in pursuit of a shared interest: the care and well-being of children,” Hampton added.*

*Mattel, in a statement, disputed UCLA’s claim that it had breached its contractual obligations...*

Full story at <https://www.latimes.com/business/story/2023-11-14/ucla-sues-mattel-for-allegedly-reneging-on-childrens-hospital-donation>.

## What Others Are Doing: MIT - Part 2

Thursday, November 16, 2023



Statement of Sally Kornbluth, President, MIT, circulated Nov. 14, 2023:

Or direct to <https://www.youtube.com/watch?v=KU99TZC2biA>.

**Video transcript: Tensions on campus**

November 14, 2023

Hello, everyone.

The profound ongoing tragedy in the Middle East is having painful repercussions on our campus. I know that all of us feel deep sorrow over all the terrible human suffering that has occurred, and that continues. However, some people in our community are in serious tension with each other because they see the current situation from starkly opposed perspectives. For them, the arguments and sentiments expressed by the other side feel deeply to be a zero-sum existential threat. And I understand that. Because MIT is and must be committed to protecting freedom of expression, the intractability of the opposing viewpoints puts us between a rock and a hard place. We have been asked repeatedly to take sides. We have been told that not taking sides is tacitly endorsing one side or the other. Perhaps most concerning is that some of our actions have been interpreted as side-taking. (And I would acknowledge here that many haven't taken a side but have sympathy for all parties – and don't want to be forced to take a side.) But let me emphasize: I am not adjudicating these issues – the whole world is grappling with them. Our role is to find a way to steer the Institute through this fraught passage – to keep our campus safe and functioning. We're here together to pursue MIT's great mission of discovery, invention, problem-solving, teaching and learning. To live up to that mission, we need a campus community where we can all express our views. But we also need MIT to be a place where we all feel safe and free to live, work, and study. And that is not where we are right now. I want to make crystal clear that our response to last week's protest is absolutely not a comment on the content of the views expressed. Our response is the result of students having deliberately violated MIT's policies against disrupting the functioning of our campus. MIT is, at its heart, an educational institution. It's a place of learning, where complex and sensitive subjects can and should be debated and discussed. Because we staunchly support the right to free expression for everyone at MIT, student activism and protests are perfectly appropriate features of campus life. And that's why – as the community has seen repeatedly over the past weeks – even protests and demonstrations that many find deeply offensive have been allowed to proceed. In the United States, what many people instinctively think of as "hate speech" is actually protected by law. However, we naturally have policies in place to keep the community safe and allow the Institute to function and, as the MIT Statement on Freedom of Expression and Academic Freedom makes clear, "the time, place, and manner of protected expression, including organized protests, may be restrained so as not to disrupt the essential activities of the Institute." In addition, as I have said many times, it is just not

acceptable to target individuals, and we have received multiple reports of such targeting. When activism crosses such fundamental lines, we need to hold people responsible for their actions. In a world with so many channels for communication, imposing this basic accountability is not equivalent to “silencing.” I would recommend that you take a look at the FAQs sent along with this video to understand what happened, what we did, and why.\* More broadly, I need to talk with you about the state of our community and about how we treat each other – all of us – not just students, but faculty, staff, parents and alumni. I know I’ve said this many times, but please hear me: I need to ask that you work with me to repair some things that are broken. Right now, at least on the surface, the campus feels pretty normal. And we’ve stepped up campus security to keep things safe. But I know some people are feeling fearful. And there is some awful behavior. No one in our community should have to feel afraid to walk on campus wearing a Star of David, or a yarmulke, or a hijab – or any other emblem of their faith. No one in our community should feel ostracized in their dorm or their lab, or denied a place in a study group, or intimidated in a hallway because of their nationality, their religion or their political views. And no one should be disrupting our classrooms by chanting slogans of any kind. Let me say this loud and clear: No one has a right to interrupt the education of our students. The classroom is sacrosanct. (Classroom disruptions have only occurred a handful of times – though unfortunately viewed millions of times on social media – but we’re providing instructors with updated guidelines to handle them.) And it is also out of bounds to disrupt the essential work of our faculty and staff in our offices and labs. Now I want to say a word about antisemitism. Antisemitism is real, and it is rising in the world. We cannot let it poison our community. Working with faculty leaders, Chancellor Melissa Nobles will lead a new Institute-wide commission called “Standing Together Against Hate.” A group within it will spearhead efforts to combat antisemitism at MIT, and we’ll announce the leaders soon. Elements may range from local group discussions with trained interlocutors, to speaker series, to curated reading lists, to programming in our student residences. Although antisemitism will be our initial primary focus, this effort will ultimately be broader, and will include efforts to address prejudice and discrimination against Arabs and Muslims. We cannot let these issues fester on our campus either. And beyond this, I’m working on new idea to create a “corps,” that would challenge people to step up, in service to the well-being of the MIT community. More about that as the contours take shape. But in the end, we cannot succeed against these insidious toxic forces with administrative actions and educational programs alone. We can only do it as a community of human beings who – whatever our differences – are committed to treating each other with decency and respect. We need to find a way to live together. Last Thursday was a low point for our community – because we lost the capacity for listening and learning. Is that really what we want MIT to be? With students shouting each other down, and pushing and shoving each other, to the point that we had to intervene because we feared a serious altercation? Do we want things to escalate even further, as we’ve seen on other campuses? Should our community – so deeply analytical and committed to facts – become a place where people spend their time repeating rumors and half-truths on the internet? Where we say things that we know make other people afraid? I trust and expect that we can do better than that. For instance, I’ve heard of nascent efforts by students to facilitate communication across difference. Two Sloan faculty members are launching a podcast called “The We and They in Us.” And I’m particularly grateful that a group of Jewish, Israeli, Muslim, Arab, Middle Eastern and North African faculty are showing us the way, through direct outreach to students and to their colleagues. The people of MIT have tremendous intellectual and creative gifts. We have a great deal to offer the world – at a time when the world urgently needs our special skills and expertise. Let us strive to be a community that can offer the world the wisdom of our example. Thank you.

Source: <https://president.mit.edu/writing-speeches/video-transcript-tensions-campus>.

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\* <https://president.mit.edu/updates/update-events-november-9>.

## UC Regents Chair Leib & UC President Drake on Current Campus Te...

Thursday, November 16, 2023



We will do our standard discussion of the Regents meetings as time permits. But below is an excerpt from yesterday's full board meeting in which UC Regents Chair Richard Leib and UC President Drake commented on current campus tensions related to the Israel-Gaza War.

Or direct to <https://www.youtube.com/watch?v=Cc2HVDyTYDk>.

## Dormzilla, RIP - Part 2

Friday, November 17, 2023



From the [Santa Barbara Independent](#) comes confirmation of the rumored\* death of Dormzilla (Munger Hall):

*The colossal, proposed boondoggle of UC Santa Barbara's Munger Hall student housing project, memorably nicknamed "Dormzilla," has finally been laid to rest. On October 25, 2023, UCSB Vice Chancellor Garry MacPherson circulated an official memo to campus staff, students, and faculty announcing two architecture firms chosen to design campus housing for 3,500 students in accordance with UCSB's 2010 Long Range Development Plan (LRDP) targets. The message, unwritten but obvious by omission, was that the new architects were retained to design an alternative to Munger Hall, whose demise had been rumored for months.*

*In today's world of unsettling disruption, it is rare when a bad idea championed by an unfettered billionaire like Charlie Munger comes to a decisive end, thanks to genuine grassroots opposition. It is worth marking the moment, as a reminder that people can make a difference when they organize and thoughtfully make their views and voices heard.*

*On October 24, 2021, Munger Hall's first public opponent grabbed national and international attention. Dennis McFadden, a consulting architect to UCSB for 15 years, wrote a scathing letter resigning from UCSB's Design Review Committee stating he was "disturbed" by the Munger Hall plan and the lack of transparency in the project's design and approval process. His fury at Munger Hall's plan — for 4,500 students to be housed in a behemoth 1.7 million square foot building, where 94 percent of the tiny 7-by-8 foot bedrooms were windowless — was summed up in his letter stating that Munger Hall was "unsupportable from my perspective as an architect, a parent and a human being." ...*

Full story at <https://www.independent.com/2023/11/09/goodbye-dormzilla-hello-student-housing/>.

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\* <https://uclafacultyassociation.blogspot.com/2023/08/dormzilla-rip.html>.

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**All's well that ends well:**

Or direct to <https://www.youtube.com/watch?v=JXTdArIvvgI>.

# Who's In Control? - Part 4

Friday, November 17, 2023



With the Pac-12 reduced to being the Pac-2 next year, a development which began with the departures of UCLA and USC, litigation has developed over who now controls its assets and administration. It appears that the remaining two members - Oregon State and Washington State - have at least won an initial round in the control fight. From a news release by Oregon State: [excerpt]

*Dear OSU Community Members*

*As you know, Oregon State University and Washington State University initiated legal action in September to confirm the governance structure of the Pac-12 Conference, gain access to business information and protect the conference's assets. In taking this action, we felt a sense of urgency to protect our universities, ensure accountability and transparency, safeguard the Pac-12 Conference, and preserve our options moving forward.*

*Today the Whitman County Superior Court in Washington decided that Oregon State and Washington State constitute the only remaining members of the Pac-12 Conference Board, granting our request for a preliminary injunction order until the case can ultimately be decided at trial.*

*This is an important day for OSU student-athletes, the Pac-12 conference and all of Beaver Nation, but our fight is not yet over. The departing 10 schools have announced their intention to appeal this decision. However, we continue to be confident in our position and look forward to working in a collaborative manner with the conference and departing members on a productive path forward. From the beginning, our intentions have been to make reasonable business decisions while continuing to seek collaboration and consultation with the departing universities...*

Full release at <https://leadership.oregonstate.edu/speeches-and-statements/pac-12-preliminary-injunction-order-granted>.

# More Time

Saturday, November 18, 2023



It seems more time than expected is needed to study the issue of whether UC can legally hire undocumented students. From [EdSource](#):

*The University of California needs more time to study whether it can move forward with allowing the hiring of undocumented students for campus jobs, system President Michael Drake said during Thursday's meeting of the board of regents. Drake's comments were disappointing to undocumented students who hoped UC would decide this month to begin permitting the hiring.*

*In May, UC created a working group to consider a proposal to allow the hiring of those students and gave the committee a Nov. 30 deadline to complete a report on the issue and direct Drake on how to move forward. UC took that step after a coalition of undocumented students and their supporters, the Opportunity for All Campaign, lobbied UC to allow the hiring of undocumented students, arguing that it is legal for UC to do so.*

*It's possible UC could still allow the hiring of those students, but that decision won't be made by the original Nov. 30 deadline, with Drake on Thursday citing "numerous" legal considerations. "We will continue in the coming days and weeks to work on these issues. Our conversations to date have shown how complex and delicate this issue is, and how critical it is for the University of California to get this right. The legal considerations are numerous, and after several discussions with the stakeholders involved, we've concluded that it is in everyone's best interest to study the matter further," Drake said...*

Full article at <https://edsource.org/updates/uc-needs-more-time-to-study-potential-hiring-of-undocumented-students>.

# Lax recruitment practices and supervision

Saturday, November 18, 2023



UCLA's football recruitment practices have come under scrutiny after some high school students who seem to have been part of unofficial recruitment were implicated in thefts from a Rose Bowl locker room. From the [Pasadena Star-News](#):

*Four Beaumont High School students are suspects in the Rose Bowl locker room thefts during the Oct. 28 game between Colorado and UCLA, authorities said Monday. No one has been arrested, said Lisa Derderian, spokeswoman for the city of Pasadena. Police referred the case to the District Attorney's Office that handles juvenile cases, she added.*

*She couldn't immediately confirm media reports that the suspects were recruits to UCLA and were on a visit that day. UCLA did say individuals tied to the case were not on an official visit. Beaumont Unified School District officials also did not confirm if the students are football players at the school. "We are disappointed and disheartened to hear of the alleged involvement of Beaumont High School students in the incident at the UCLA-Colorado football game on Oct. 28," Alex Sponheim, who oversees the Communications Department at the district, said in an email.*

*"We strive to promote strong character and integrity in our students, and the alleged actions do not represent our core values as a school, district, and community," she said.*

*While the students were not at the football game as part of a school-sponsored event, Sponheim said the district is cooperating fully with Pasadena Police investigation. "As this is still an ongoing investigation, we cannot confirm anything other than that the individuals in question were not on an official visit," UCLA Athletics said in a statement...*

Full article at <https://www.pasadenastarnews.com/2023/11/13/4-beaumont-high-students-identified-as-suspects-in-rose-bowl-locker-room-thefts/>.

An LA Times article notes that the official/unofficial visit distinction may have something to do with NCAA rules:

*... The NCAA allows unlimited official visits by players to Division I schools, although only one visit is allowed per school, which can pay for transportation to and from the campus, lodging throughout the visit, three meals a day and three tickets to a home sports event. Often, players from high schools near a university take unofficial visits...*

Full story at <https://www.latimes.com/sports/story/2023-11-14/stolen-valuables-recovered-ucla-colorado-game-rose-bowl-beaumont-high-recruits-police>.

Also from the LA Times:

*... UCLA provides security to the home and visitor locker rooms during games at the Rose Bowl... [UCLA football coach Chip] Kelly said “a lot” of recruits were at the game and the Rose Bowl gives them badges to identify themselves...*

Full story at <https://www.latimes.com/sports/story/2023-11-14/stolen-valuables-recovered-ucla-colorado-game-rose-bowl-beaumont-high-recruits-police>.

# Open Enrollment Extended for Emeriti/Retirees

Sunday, November 19, 2023



*The message below was received from the UCLA ERRC:*

To provide retired members of the UC Medicare Choice plan more time to switch plans during Open Enrollment if they so choose, the Open Enrollment deadline is being extended. Retirees will have until Tuesday, November 21, 2023, at 5:00 pm PST to submit their Open Enrollment elections.

Please note that the Open Enrollment deadline extension applies to all benefits-eligible retirees, as it is not possible within the UCRAYS system to limit the extension to the members of a particular plan. The extension does not apply to current UC employees. The extension is mainly due to a contract issue between UnitedHealth Care and UCSF.

- The University of California San Francisco Health Medical Group (UCSF Health), an out-of-network provider group, recently decided they will no longer treat Medicare Advantage plan members on an out-of-network basis. This includes UC Medicare Choice plan members.

University of California, Office of the President (UCOP), and Retirement Administration Service Center (RASC) are working with Communications and how best to disseminate this information to affected retirees in a timely manner.

# Watch the Regents Morning Meeting of Nov. 15, 2023

Sunday, November 19, 2023



During the public comments session of Nov. 15th, topics included incompletes for disabled students, sexual assault services, antisemitism, employment by UC of undocumented students, funding implications of the student-worker strike settlement, pro-Palestine, UC-Merced medical facilities, CalPIRG and climate change, math preparation for UC, CalWorks, opposition to DEI programs, gun divestment, UCLA's move to the Big-Ten, basic needs of graduate students, staff pay, and opposition to increased pension contributions.

There followed statements by UC Chair Leib and UC President Drake concerning recent campus events surrounding the Israel-Gaza War which we have previously noted on this blog.\* Drake also noted improved evacuation procedures for disabled student. Faculty representative Steintrager spoke about faculty pay (including opposition to employee pension contributions), and the Israel-Gaza War and related free speech issues vs. responsibilities.

In Finance and Capital Strategies, UCLA's plan for a high-rise dormitory project was changed to have fewer triples and more doubles, based on objections at a prior Regents' meeting. The ratio will now be 20% vs. 80%, respectively. When the pension actuarial study was discussed, it was noted that the plan's funding ratio is roughly 80%. The president's proposal was to increase the employer contribution but not the employee contribution. The former would go up by 0.5% per year so that over eight years, the employer contribution would rise from 14% to 18%. There would also be about \$3 billion in transfers from STIP to the plan. With all of that, plan funding would rise to 100% over 20 years. Three Regents abstained in the final committee vote but the plan was adopted as the recommendation. The abstainers were concerned about doing something in particular for low-wage workers if the employee contribution was raised. It was noted that other state employees contribute 50% of the normal cost whereas UC employees contribute less.

One concern, based on some regental comments at prior meetings was that those who earned pension credits during the two-decade pension holiday would somehow be blamed and penalized for that holiday. Of course, it was the Regents who implemented the holiday, originally because of a state budget crisis in the early 1990s and pension overfunding at that time. Subsequently, with pay below the comparison-8, there was reluctance to create a further de facto pay cut with pension contributions. Ultimately, it was the Regents - again - who delayed the end of the pension contribution holiday due to

the budget crisis resulting from the Great Recession of 2008. Bottom line; the discussion could have turned nasty but ultimately did not.

The committee also approved a medical facility for UC-Merced. If we consider Berkeley and UC-SF as a unit, only Santa Cruz and Santa Barbara seem content not to have a med school.

In Academic and Student Affairs, there was a report on issues and legislation relating to community college transfers to UC and a hydrogen energy project. It was noted that graduate student enrollment has not kept pace with undergraduate enrollment. Perhaps the most controversial item was the math preparation standard for undergraduate admission. Mainly, however, the discussion focused on the process by which decisions will be made by a Senate working group.

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As always, we preserve recordings of Regents meetings since the Regents have no policy on duration of preservation.

The Nov. 15th board session is at:

<https://archive.org/download/board-11-15-23am/Board%2011-15-23am.mp4>.

Finance and Capital Strategies is at:

<https://archive.org/download/board-11-15-23am/Finance%20and%20Capital%20Strategies%20Committee%2011-15-2023.mp4>.

Academic and Student Affairs is at:

<https://archive.org/download/board-11-15-23am/Academic%20and%20Student%20Affairs%20Committee%2011-15-23.mp4>.

The general website for the morning session is at:

<https://archive.org/details/board-11-15-23am>.

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\* <https://uclafacultyassociation.blogspot.com/2023/11/uc-regents-chair-leib-uc-president.html>.



# Dissent

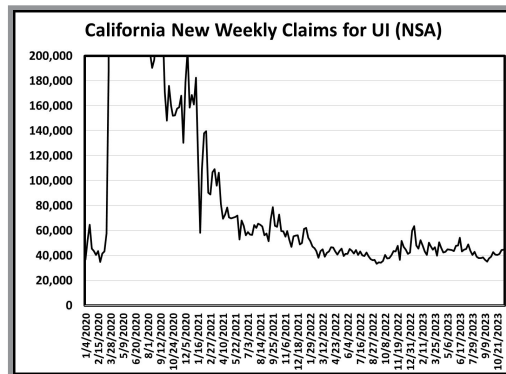
Sunday, November 19, 2023



For those who read this blog directly from the website and on a PC or laptop, yours truly personally dissents from the letter of the Council of UC Faculty Associations dated Nov. 16th that appears at a link on the right.

Not yet

Sunday, November 19, 2023



We're back to our weekly search for signs of recession. Although new California weekly claims for unemployment insurance have ticked up in recent weeks, the numbers are still well within the pre-pandemic (boom) range. The UCLA Forecast will be out December 6th and we'll see what the experts there have to say.

As always, the latest claims data are at <https://www.dol.gov/ui/data.pdf>.

# Still further open enrollment extension for retirees

Monday, November 20, 2023



*Yesterday we posted about an extension of open enrollment for emeriti and retirees ONLY to Nov. 21 due to a contract issue involving UC-San Francisco and United Healthcare. We now have received notice that this special extension will run through Nov. 27. See below for details if you are eligible for UC retiree health insurance.*

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UC Systemwide Human Resources recently learned of a change in provider authorization processes next year for UC Medicare Choice members who see UCSF Health providers. **Because provider choice is a critical part of choosing a medical plan, the Open Enrollment deadline for retirees has been extended until Monday, Nov. 27, 2023, at 5 p.m.** to allow you more time to understand your options.

**If you're happy with your choice of medical plans for 2024, you do not need to take any action.**

What's changing for UC Medicare Choice PPO members who see UCSF Health providers

UCSF Health has shared the following message for members of UC Medicare Choice PPO:

Because UCSF Health Medical Group is the only UC medical group not included in UnitedHealthcare's network for the UC Medicare Choice – United Health Care plan, UCSF Health will seek Letters of Authorization (LOA) from UnitedHealthcare on behalf of UC retirees and their dependents for care provided by UCSF Health providers, beginning Jan. 1, 2024.

Despite this change, UC retirees and their dependents enrolled in UC Medicare Choice PPO will be able to schedule and keep their appointments with no change in access to care or charges for health care services.

If you have questions about whether an LOA will be required based on your specific medical care situation, please contact UCSF Health directly at (888) 689-8273 or [Referral.Center@ucsf.edu](mailto:Referral.Center@ucsf.edu).

If you have questions for UnitedHealthcare or need assistance in finding alternate providers, you can speak to a customer service representative at (866) 887-9533, Mon.–Fri., 8 a.m.–8 p.m.

### **What's next?**

If you would like to learn more about your medical plan options, please review your options at [ucal.us/oe](https://ucal.us/oe). It may also be helpful for you to discuss your options with the health care facilitator at your location.

If you choose to make a change, you must submit your Open Enrollment elections on UC Retirement At Your Service (UCRAYS) by Monday, Nov. 27, 2023, at 5 p.m.

If you're not able to enroll online or need assistance, the UC Retirement Administration Service Center (RASC) has extended hours through the extended Open Enrollment deadline. Call (800) 888-8267 Mon.–Fri., 7 a.m.–4:30 p.m., to speak with a representative. Please note that the center will be closed in observance of the Thanksgiving holiday on Nov. 23–24.

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Source: <https://mailchi.mp/78511a87e14f/open-enrollment-is-here-news-for-uc-retirees-553666?e=44d07a7595>.

## UCLA History: Westwood 1932

Monday, November 20, 2023



Looking north up Westwood Boulevard near Kinross Avenue (center) in Westwood Village. Various businesses, including the Fox Westwood Theater (left), are present. Photograph dated October 14, 1932.

Source: <https://tessa2.lapl.org/digital/collection/photos/id/117470/rec/1>.

# Watch the Regents Afternoon Session of Nov. 15, 2023

Tuesday, November 21, 2023



We continue catching up with last week's Regents meeting, arriving now at the afternoon of November 15th. The National Labs Committee heard a presentation on the Los Alamos National Lab - the home of the Manhattan Project. UC became connected with Los Alamos 80 years ago in 1943. (Yours truly speculates that the review of Los Alamos at this time may have something to do with the new Oppenheimer movie.) In more recent years, there has been an effort by the Lab to have a southern California connection to UC campuses. Regent Hernandez pushed for the extension of that effort to UC-Merced in his comments.

Compliance and Audit heard a brief review of various audits undertaken during the past academic year. The cyber security element was stressed in response to questions.

Public Engagement had a session via remote connection with Assemblymember Phil Ting. Not surprisingly, he pushed for increased undergraduate enrollment. He also predicted that future budgets would be "tougher" than in the recent past. The committee then heard about issues in communicating matters related to climate change. Efforts of agriculture and related UC programs to reach out in Spanish were also reviewed. Finally, there was a review of philanthropy (fund raising by UC).

As always, we preserve the recordings of these sessions since the Regents have no set policy on duration of retention.

National Labs and Compliance and Audit can be seen at:

<https://ia800604.us.archive.org/6/items/national-laboratories-committee-compliance-and-audit-committee/National%20Laboratories%20Committee%2C%20Compliance%20and%20Audit%20Committee.mp4>

Public Engagement and Development is at:

<https://ia600604.us.archive.org/6/items/national-laboratories-committee-compliance-and-audit-committee/Public%20Engagement%20and%20Development%20Committee.mp4>.

The general web address for the afternoon of Nov. 15 is at:

<https://archive.org/details/national-laboratories-committee-compliance-and-audit-committee>.

## UCLA History: Aerial View 1929

Tuesday, November 21, 2023



Arrow marks location of UCLA in this aerial view of Westwood, 1929.

Source: <https://tessa2.lapl.org/digital/collection/photos/id/85505/rec/42>.



# UCLA History: Entrance 1929

Wednesday, November 22, 2023

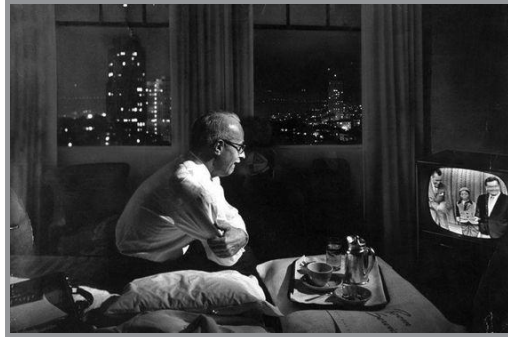


Looking south from the Westwood Boulevard entrance to UCLA: 1929.

Source: <https://tessa2.lapl.org/digital/collection/photos/id/88145/rec/31>.

# Watch the Second Day of the Regents: Nov. 16, 2023

Wednesday, November 22, 2023



We are catching up with the second day of last week's Regents meeting. The morning board meeting of the second day of the Regents' November meetings (Nov. 16) consisted of public comments. Topics included graduate student housing, staff pay and health insurance costs, disabled students, the use of PhD students as TAs, undocumented student employment, antisemitism, anti-military programs and labs, divestment from Starbucks, anti-Israel, college admissions, divestment from Blackrock, and lactation stations. The meeting ended with an anti-Israel protest leading to clearing of the room.

In later sessions, the Health Services Committee approved a bonus for former health VP Byington. It was stated that such bonuses would not apply to subsequent health executives.

At the board's second session, the USAC president reported on funding for CARE centers, transfer student issues, undocumented student employment, and students as parents. The grad student representative indicated a desire to work with the UC president and chancellors on Israel-Gaza issues. He endorsed UC-San Diego's decision not to prosecute student union workers after a demonstration on that campus. He also endorsed undocumented student employment by UC, mentorships for grad students, aid for disabled students, and improved emergency evacuation procedures for disabled students.

President Drake reported that the issue of UC hiring undocumented students would require further study. Regent Pérez asked that Regental policies regarding faculty discipline be on the agenda in January.

At the Investments Committee, it was reported that from July 1 through the meeting, there had been a roughly zero return on pension and endowment investments. Hernandez asked about the Blackstone-REIT investment which CIO Bachhar defended citing the 11.25% return.

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As always, we preserve the Regents' meetings indefinitely because the Regents have no policy on duration of retention. You can see the Nov. 16th sessions at the links below:

Board-Morning:

<https://ia801400.us.archive.org/30/items/16-health-services-committee-board-investments/16-Board.mp4>.

Health Services, Board, Investments:

<https://ia801400.us.archive.org/30/items/16-health-services-committee-board-investments/16-Health%20Services%20Committee%2C%20Board%2C%20Investments.mp4>.

The general web address for the Nov. 16th meeting:

<https://archive.org/details/16-health-services-committee-board-investments>.

# Happy Thanksgiving

Thursday, November 23, 2023



Thanksgiving dinner at the Hollywood Canteen: November 26, 1943.

Source: <https://tessa2.lapl.org/digital/collection/photos/id/22862/rec/20>.

## In case you missed it...

Thursday, November 23, 2023



At the November 16th meeting of the Regents last week, Regent Pérez asked that an item be placed on the January 2024 Regents meeting dealing with regental authority over disciplinary action involving faculty. You can see his request below. He did not say what circumstances led to this request. One has a sense, however, that it may have to do with some faculty conduct related to the current Israel-Gaza War, since there is no other high-publicity conduct in the news.

Under current practice, the Regents are only very rarely involved in such matters. In the very rare cases of outright terminations of tenured faculty, the Regents are asked to approve. But the vast majority of cases of misconduct typically are resolved at the campus level or within the UC system. Cases of misconduct that might lead to dismissal are sometimes resolved quietly through resignations or retirements.

You can see the Pérez request below:

Or direct to <https://ia601400.us.archive.org/30/items/16-health-services-committee-board-investments/UC%20Regent%20P%C3%A9rez%20places%20item%20on%20Jan%202024%20agenda%20on%20Regents%20authority%20on%20faculty%20discipline%2011-16-2023.mp4>.

We won't know for sure what Regent Pérez has in mind until January, assuming the item is discussed then in an open session. Pérez is a particularly influential Regent, having served as board chair and earlier as speaker of the California state assembly.

## UCLA History: Entrance 1937

Friday, November 24, 2023



Two days ago, we posted a view looking south on Westwood Boulevard from the UCLA entrance in 1929. Here is the same view in 1937.

Source: <https://tessa2.lapl.org/digital/collection/photos/id/85868/rec/85>.

# Topping Off in Berkeley

Friday, November 24, 2023



From the San Francisco Chronicle: *The Berkeley City Council voted unanimously Tuesday to allow taller buildings in a neighborhood near the UC campus that includes the controversial People's Park to help ease a chronic shortage of student housing. The city of Berkeley will now allow taller buildings in a densely populated neighborhood adjoining the UC Berkeley campus — a major win to address the university's student housing crunch.*

*The Berkeley City Council voted unanimously Tuesday to change its zoning laws to permit buildings as high as 12 stories in the Southside area below the campus. The proposed modifications — which also relax some open space requirements — will allow for an additional 2,652 residential units in neighborhoods bounded by Bancroft Way, Prospect Street, Dwight Way and Fulton Street.*

*"I could not be more relieved and excited that the city has finally taken this overdue and urgent step," said Council Member Rigel Robinson, who represents the Southside neighborhood. "The student housing crisis has become the defining characteristic of the student experience at UC Berkeley. ... And the student housing crisis has ripple effects on our citywide housing crisis." **UC Berkeley provides housing for only 23% of its students, the lowest rate of any UC campus in the state...***

Full story at <https://www.sfchronicle.com/eastbay/article/berkeley-ok-s-taller-buildings-near-campus-ease-18506814.php>.

# UCLA History: The Future 1927

Saturday, November 25, 2023



Future Westwood site of UCLA campus before move from Vermont Avenue (1927).

Source: <https://tessa2.lapl.org/digital/collection/photos/id/134069/rec/109>.



## In Case You Missed It... - Part 2

Saturday, November 25, 2023



As blog readers will know, we have in the past questioned the investment of \$4.5 billion in pension and endowment funds in the Blackstone Real Estate Investment Trust (BREIT) in late 2022. BREIT at the time was - and still is - the subject of a slow-motion run on the bank, cushioned by the fact that BREIT does not have to give investors all their money back when demanded. Instead, it determines what fraction of the demand it will satisfy. BREIT has continued to experience the run through October.

CIO Bachhar invested \$4.5 billion in BREIT, a kind of liquidity bailout, last year in exchange for a "guaranteed" return of 11.25%. There were protests about the investment at subsequent Regents meetings, but these centered on landlord-tenant relations in buildings owned by BREIT. Only Regent Hernandez raised the issue of the financial risk entailed. During the November 16th meeting of the Investments Committee, he again asked Bachhar about the BREIT investment.

Bachhar essentially said that he had gotten 11.25% "guaranteed." He did not say anything about the implicit risk. Note that to get 11.25%, there has to be significant risk, since that return is well above what riskless interest rates (say, in Treasury securities) would provide. In the view of yours truly, the issue of risk (which may have legal aspects since other investors in BREIT in effect are cross-subsidizing the 11.25%), is what needs to be looked at. It may well turn out that, after the fact, the investment turns out to have been a good deal, but that doesn't make it a prudent deal.

In any event, you can see Regent Hernandez's latest question and CIO Bacchar's response at the link below:

Or direct to <https://ia601400.us.archive.org/30/items/16-health-services-committee-board-investments/UC%20Regent%20Hernandez%20asks%20about%20BREIT%2011-16-2023.mp4>.

# UCLA History: From Normal to Library

Sunday, November 26, 2023



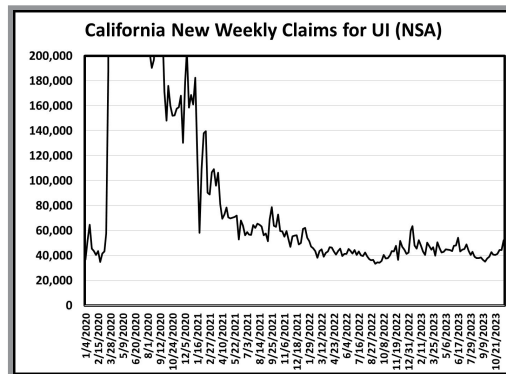
The California State Normal School was a teaching college that was founded on May 2, 1862 in San Jose. In March 1881, after heavy lobbying by Los Angeles residents, the California State Legislature authorized the creation of a southern branch of the school to be built in downtown Los Angeles, which would train teachers for the growing population of Southern California. On August 29, 1882, the State Normal School at Los Angeles opened its doors, and in 1919 it became part of the "UC system" and was absorbed into UCLA, moving to a larger campus on Vermont Ave., in Hollywood (the present site of L.A. City College). The L.A. Public Library would take the old Normal School site, which was located on 5th Street between Grand and Flower streets. Designed by architects Bertram G. Goodhue and Carlton M. Winslow, it would eventually be constructed between 1922-1926.

Description: This is the site of the former Los Angeles State Normal School, and future site of Central Library of the Los Angeles Public Library. The area has been dug out for the foundation, and work is well under way as construction vehicles make their way in and out of the site. Several men can be seen standing near an excavating machine, which is filling the back of a truck with mounds of gravel; C.G. Willis & Son Excavation is the company that is heading this task. A cluster of men, all wearing suits, can be seen standing on higher ground farther back, and a large apartment building is visible in the background. Photograph dated: January 16, 1924.

Source: <https://tessa2.lapl.org/digital/collection/photos/id/112895/rec/2289>.

## Still creeping up, but...

Sunday, November 26, 2023

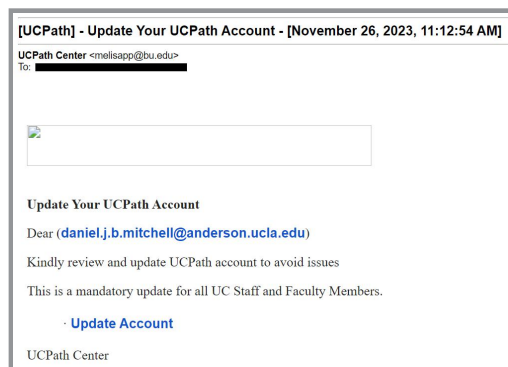


Our weekly examination of the latest California weekly claims for unemployment insurance finds the numbers still creeping up, but still within the pre-pandemic (boom) levels. So let's wait for more data and for the upcoming UCLA Anderson Forecast on December 6th.

As always, the latest claims data are at <https://www.dol.gov/ui/data.pdf>.

# Looks Like a Scam: Don't Click

Sunday, November 26, 2023



If you got an email like this (yours truly got two of them), I would not click on it. For one thing, the email address shown seems to come from Boston University.

## UCLA History: Ice

Monday, November 27, 2023

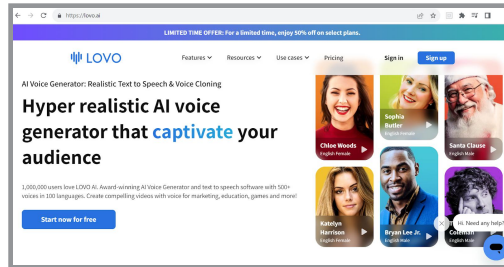


Tropical Ice Gardens located in Westwood opened its doors in November 1938. It was billed as "one of the biggest sports and amusement enterprises in Los Angeles annals," and could accommodate 2,000 ice skaters on its outdoor rink and could seat 10,000 spectators in its bleacher seats. Despite its popularity, the Westwood rink was torn down in 1949 to accommodate the expansion of UCLA.

Source: <https://tessa2.lapl.org/digital/collection/photos/id/36471/rec/174>.

# Does Berkeley Know?

Monday, November 27, 2023



From SFGATE:

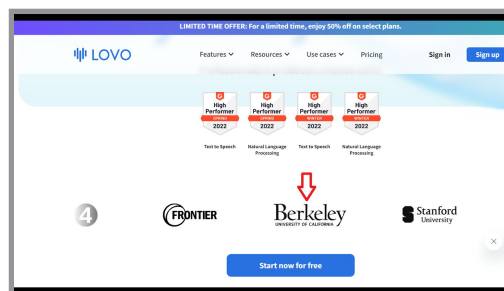
On Monday, tech investor Martin Casado posted a warning on social media about an AI voice-cloning phone scam he said his own father nearly fell for. Casado's father received a call from someone claiming to be — and sounding just like — Casado, who said he was “in jail after a car accident and needed \$10k bail,” Casado wrote in a post on X, formerly called Twitter. “He was headed to the bank but decided to call me just in case (lucky I picked up, I'm in Japan).”

This type of tech-enabled phone scam was the subject of a hearing before the Senate Aging Committee last Thursday. In this type of con, scammers generate a clone of someone's voice by feeding recordings from phishing phone calls or public social media videos into an artificial intelligence-based system. They can then use those AI clones to call your loved ones, impersonating you, to ask for something (often financial assistance).

Several voice cloning tools are readily available online. The maker of one such tool, **Lovo**, says it uses an algorithm to break voice recordings into tiny chunks of audio. Those chunks are used to create a model that can turn user-inputted text into a new audio clip using a voice that Lovo says will sound nearly identical to the original speaker's...

Full story at <https://www.sfgate.com/tech/article/ai-phone-scam-fbi-advice-18509701.php>.

When yours truly looked up Lovo, he got the image above AND the one below, which seems to tout UC-Berkeley as some kind of endorser. Does Berkeley know?



Does Berkeley want its name associated with a program which is great for scamming?  
Just asking...

## UCLA History: Normal

Tuesday, November 28, 2023



Two days ago, we posted a photograph of the downtown Los Angeles Public Library under construction on the site of the State Normal School which evolved into UCLA. Above is a photo of the Normal School at that site when it was still standing. From the photo information:

*The California State Normal School was a teaching college that was founded on May 2, 1862 in San Jose. In March 1881, after heavy lobbying by Los Angeles residents, the California State Legislature authorized the creation of a southern branch of the school to be built in downtown Los Angeles, which would train teachers for the growing population of Southern California. On August 29, 1882, the State Normal School at Los Angeles opened its doors. In 1919, the Los Angeles State Normal School became part of the "UC system" and was absorbed into UCLA, moving to a larger campus on Vermont Avenue in Hollywood (the present site of L.A. City College). The L.A. Public Library would take the old Normal School site, which was located on 5th Street between Grand and Flower streets.*

Source: <https://tessa2.lapl.org/digital/collection/photos/id/111184/rec/34>.

# Dartmouth's Example in Dealing With Tension Over Israel-Gaza War - ...

Tuesday, November 28, 2023



Back on November 4th, we highlighted a program at Dartmouth aimed at dealing with tensions related to the Israel-Gaza War and the Hamas attack.\* Much of the energy at other academic institutions has focused on statements and restatements by top university officials.

The Dartmouth approach was recently highlighted in an NBC newscast.

Click on link below to see the episode:

<https://ia601406.us.archive.org/35/items/a-laugh-a-tear-a-mitzvah/Dartmouth%20after%20Oct.%207%2C%202023%20attack%20NBC%2011-25-2023.mp4>.

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\* <https://uclafacultyassociation.blogspot.com/2023/11/dartmouths-example-in-dealing-with.html>.



# Lawsuit Filed Against Berkeley on Antisemitism

Tuesday, November 28, 2023



From Politico:

*Jewish groups are suing the University of California system, UC Berkeley and its leaders over what they are calling a “longstanding, unchecked spread of anti-Semitism.”*

*The 36-page lawsuit, filed Tuesday by the Brandeis Center and Jewish Americans for Fairness in Education, argues that Berkeley and its law school’s “inaction” on discrimination against Jewish students has led to a spread of antisemitism, and violence and harassment against them.\* Demonstrations and incidents on campus following the Oct. 7 Hamas attacks on Israel serve as examples of the discrimination, according to the complaint.*

*The complaint is among the first high-profile lawsuits against a university in the aftermath of the protests that roiled campuses in response to the conflict in the Middle East.*

*Jewish groups are suing over policies enacted by at least 23 Berkeley Law student groups that exclude students from joining or bar guest speakers from presenting if they do not agree to disavow Israel or if they identify as Zionists. They argue that anti-Zionism is a form of antisemitism and say that the policies violate the 14th Amendment’s equal protection clause, the First Amendment right to freedom of religion, Title VI of the Civil Rights Act and more.*

*Additionally, the groups say that the university has failed to address antisemitic incidents on campus following the Oct. 7 Hamas attacks. They said students’ celebrations of the Hamas attacks resulted in violence against Jewish students. A Jewish student draped in an Israeli flag was attacked by protesters who hit him in the head with a metal water bottle, according to the complaint, and some Jews have received “hate e-mails calling for their gassing and murder.” Jewish students have also said they are afraid to attend class because of the protests...*

Full story at <https://www.politico.com/news/2023/11/28/jewish-groups-university-california-antisemitism-lawsuit-00128772>.

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\*Lawsuit at:

<https://storage.courtlistener.com/recap/gov.uscourts.cand.421404/gov.uscourts.cand.421>

[404.1.0.pdf](#)

## UCLA History: Arroyo 1937

Wednesday, November 29, 2023



A view of the campus from across the Arroyo that ran through the campus until after World War II when it was filled in.

Source: <https://tessa2.lapl.org/digital/collection/photos/id/38027/rec/35>.

## Search Committee for New UCLA Chancellor Meets Nov. 30 Behind Close...

Wednesday, November 29, 2023



The Committee to Advise the President on the Selection of a Chancellor of the Los Angeles will meet tomorrow - Nov. 30th - behind closed doors. There is no public agenda. That's all we know. Because there are five Regents on this committee, the meeting was announced on the Regents' website.

Source: <https://regents.universityofcalifornia.edu/regmeet/nov23/special11.30.pdf>.

# Neutral

Wednesday, November 29, 2023



From the San Francisco Chronicle: ... *Amid persistent campus conflicts between the groups following the Oct. 7 attack on Israel by Hamas and Israel's huge military retaliation against Palestinians in Gaza, [UC President] Drake announced a series of measures on Nov. 15 intended to tamp down anger and improve relations between the groups. Included in the measures, UC expects to spend \$2 million to develop education programs at each campus that include a “viewpoint-neutral history of the Middle East.” The idea, Drake told the UC regents, was to “improve the public discourse” and create a “better understanding of antisemitism and Islamophobia.*

*Now 150 professors from UC's nine undergraduate campuses — including historians, Middle East scholars and department heads — say that Drake's plan is improperly prescriptive and amounts to a form of censorship. “We are all committed to inclusivity and academic excellence, but to suggest that the UC administration should determine how and what we teach will set a chilling precedent for our field,” the letter said...*

Comment: Yours truly suspects that what Drake has in mind is something like the Dartmouth approach which we have highlighted in two prior posts on this blog.\* No one at Dartmouth is forced to participate in teaching in that program. It is likely that the \$2 million figure Drake proposed was pulled out a hat and was really an effort to show the administration was doing something to address campus tensions. It might be best to look at the Dartmouth model and, if someone or some group wants to apply that model to UC, the \$2 million might be useful. (I doubt the Dartmouth program cost anywhere near that amount.) Note also that opposing "viewpoint-neutral" teaching, or Drake's incentive for it, might seem to the general public as saying that teaching must be "biased," a Bad Look for UC if it is perceived that way. The headline of the SF Chronicle article is "**UC professors decry plan to teach 'viewpoint-neutral' Mideast history.**" Most readers will not get into the nuance of a lengthy, erudite letter.

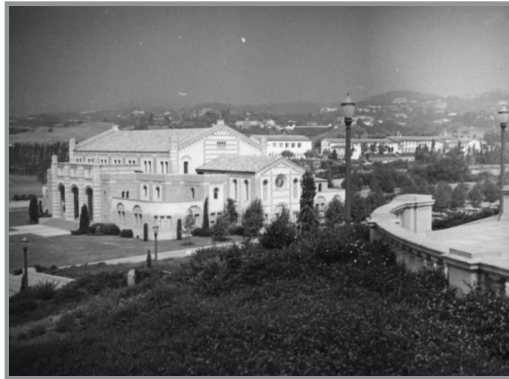
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\* [https://uclafacultyassociation.blogspot.com/2023/11/dartmouths-example-in-dealing-with\\_01421823328.html](https://uclafacultyassociation.blogspot.com/2023/11/dartmouths-example-in-dealing-with_01421823328.html); <https://uclafacultyassociation.blogspot.com/2023/11/dartmouths-example-in-dealing-with.html>. The original Drake statement is at <https://uclafacultyassociation.blogspot.com/2023/11/uc-regents-chair-leib-uc-president.html> [Click on video]. The letter referred to in the SF Chronicle article above is a <https://docs.google.com/document/d/17Q4kUQkMUHyLZGoGiYh6pBmr92vke3G2P8pmX>

[GZsZ5l/edit.](#)

## UCLA History: Women's Gym c1937

Thursday, November 30, 2023



"View of the UCLA Women's Gymnasium (1932, Allison and Allison) from a hill allowing for a panoramic vista of the mountains behind the campus."

Source: <https://tessa2.lapl.org/digital/collection/photos/id/38705/rec/63>.

# New Disabilities Major

Thursday, November 30, 2023



The LA Times has a story about a new disabilities studies major at UCLA:

*... That UCLA now has a disability studies major, announced this month, is a sign that “the stigma around disability is shifting,” said Victoria Marks, a professor of choreography and chair of the UCLA program. “More and more of our communities are speaking up.” ...*

*These days, the discipline is booming. Annual submissions to Disability Studies Quarterly have more than doubled in recent years, and the number of majors and minors in the subject has soared, said Jeffrey A. Brune, co-editor of the journal...*

*The number of students receiving disability accommodations across the 10 UC campuses jumped from 5% in 2018 to 7% in 2021...*

Full story at <https://www.latimes.com/california/story/2023-11-27/ucla-new-disability-studies-major-first-california-public-university>.



# The Latest on TMT

Thursday, November 30, 2023



From time to time, we check in on the Hawaiian telescope project - TMT - in which UC is involved. The latest is an item below dated Nov. 7 reported on Hawaii News Now, indicating that a construction permit for TMT may - or may not - have expired:

*There were heated arguments Tuesday at a state Land Board on the future of the controversial Thirty Meter Telescope project on Mauna Kea. The latest legal challenge is about whether construction of the embattled project actually started. The Mauna Kea Hui alleges construction of the TMT has not started, which would be a violation of the University of Hawaii at Hilo's Conservation District Use Permit permit. Whatever the board decides would determine if the telescope project is permitted to build on Mauna Kea or not. "There's been no grading up there, pouring concrete. There has not been any of that done here," said Richard Naiwieha Wurdeman, Mauna Kea Hui attorney.*

*In 2017, UH-Hilo got a CDUP permit allowing TMT to use the land at Mauna Kea, but one of the conditions was that work needed to start at the site within two years. In 2019, protests stopped the project and UH-Hilo got a two-year extension. In 2021, UH-Hilo said construction had started before the 2019 protests.*

*...There was no word on when the BLNR [Bureau of Land and Natural Resources] would make a decision, but the stakes are high and could at the very least lead to more delays for project.*

Full story at <https://www.hawaiinewsnow.com/2023/11/08/state-land-board-hears-tmt-construction-debate/>.

If you are a glutton for punishment, the full hearing can be seen at:

[https://www.youtube.com/watch?v=q5AuF\\_njCMs](https://www.youtube.com/watch?v=q5AuF_njCMs).

# New Stamp

Friday, December 01, 2023



From [UCLA Newsroom](#): *Bruin fans may soon be tempted to do some old-fashioned letter-writing when the U.S. Postal Service issues a new stamp memorializing UCLA's iconic former men's basketball coach **John Wooden**.*

*The limited edition Forever stamp, featuring an original portrait of Wooden, will go on sale early next year and is expected to be available for about a year. A total of 18 million will be printed, according to the post office.*

*Wooden, who began his career at UCLA in 1948 and retired in 1975, led the Bruins to a record 10 national championships and left an indelible mark on the university, the sport and a generation of student athletes. Even after his coaching days ended, his insightful lessons on basketball and living a successful life continued to inspire legions of fans and admirers around the world. Wooden died in 2010 at the age of 99.*

*"This stamp is a tribute to Coach Wooden's remarkable and widespread impact, which extends far beyond UCLA and far beyond basketball," said UCLA Chancellor Gene Block. "His success on the court was unparalleled, and he remains a model of integrity and excellence in athletics. But the values he stood for and the timeless wisdom he shared have spread even further, influencing generations of leaders from all walks of life."*

*The new stamp depicts Coach Wooden at courtside in the early 1970s, intensely focused on a game and wearing a pinstripe suit, patterned tie and black-framed glasses. To the right of the image, which is based on a photo by ASUCLA photographer Norm Schindler, "Wooden" appears in gold, with "John" in blue...*

Full release at <https://newsroom.ucla.edu/releases/ucla-coach-john-wooden-honored-with-postal-service-stamp>.

## UCLA History: Reservoir 1930

Friday, December 01, 2023



"A panoramic view of the UCLA Westwood campus, shortly after it opened in 1929. View is looking from the golf course of the Bel Air Country Club. The body of water shown is the Sunset Reservoir."

Source: <https://tessa2.lapl.org/digital/collection/photos/id/101398/rec/138>.

# Hidden Message?

Friday, December 01, 2023



UCOP Daily News Clips usually features current articles related to, or of interest to, UC. However, its November 28th listing featured a November 15th posting by the Center for Immigration Reform, an organization that generally pushes for tighter immigration controls.

November 15th happened to be the first day of the Regents meetings. During those meetings, President Drake indicated that the releasing of final conclusions by the special regental committee set up to explore UC's potential hiring of undocumented students would be delayed.\*

As it happens, the posting by the Center for Immigration Reform indicated that its legal analysis suggested that UC officials, including the Regents, could face criminal penalties were such hiring to occur. It acknowledged that the Biden administration would be unlikely to pursue such remedies but noted that the statute of limitation that applied would run into the term of whoever became president after the 2024 elections. The posting might also be read as a threat by the Center to file litigation against UC if it undertook to hire undocumented students.

You can read the Center's November 15th posting entitled *Are UC Officials Who Hire Illegal Aliens Subject to Criminal Prosecution?* at:

<https://cis.org/Report/Are-UC-Officials-Who-Hire-Illegal-Aliens-Subject-Prosecution>.

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\*You can see his remarks at the link below:

Or direct to <https://ia801400.us.archive.org/30/items/16-health-services-committee-board-investments/Drake%20on%20delay%20regarding%20hiring%20undocumented%20students%2011-16-2023.mp4>.

# Less money than expected

Friday, December 01, 2023



Making projections about the state budget has been complicated by an extension of the due date for 2022 income tax returns. But the Legislative Analyst's Office (LAO) now is saying that significantly less money has arrived than anticipated in those later-than-usual payments and due to a general slowing down on the economy:

From the Legislative Analyst's Office (12-1-23):

*With the recent receipt of various postponed tax payments, the impact of recent economic weakness and last year's financial market distress on state revenues has become clearer. The postponed payments came in much weaker than anticipated. As a result, we now estimate 2022-23 revenues to be \$26 billion below Budget Act projections. Historical experience suggests this weakness is likely to carry into this fiscal year and next. Overall, our updated revenue outlook anticipates collections to come in \$58 billion below Budget Act projections across 2022-23 to 2024-25. We will release our Fiscal Outlook next week, which will discuss the ramifications of this revenue shortfall for the state's budget...*

Full publication at <https://lao.ca.gov/LAOEconTax/Article/Detail/777>.

# UCLA History: Under Construction 1929

Saturday, December 02, 2023



An aerial view of the campus in 1929 while it was still under construction. What is now Sunset Boulevard can be seen at the upper left.

Source: <https://tessa2.lapl.org/digital/collection/photos/id/96164/rec/110>.

## Not Available (Soon)

Saturday, December 02, 2023



For retirees:

***Be prepared: UCRAYS will be unavailable from Dec. 15, 2023 to Jan. 2, 2024***

*The UC Retirement At Your Service (UCRAYS) website will be unavailable for scheduled maintenance from Friday, Dec. 15, 2023, at 12 p.m. until Tuesday, Jan. 2, 2024, at 8 a.m. It's a good idea to sign in to your account before Dec. 15 to make sure your address and contact information are up to date, and to request electronic delivery of your tax forms, if you'd like. See [Getting help with UC Retirement At Your Service \(UCRAYS\)](#) for a step-by-step guide.*

*During the period that UCRAYS is unavailable, you may contact the UC Retirement Administration Service Center (RASC) for any urgent needs. If you have a question or concern that is not time-sensitive, please consider waiting to call the RASC until January 2024.*

Source: <https://ucnet.universityofcalifornia.edu/news/2023/11/be-prepared-ucrays-will-be-unavailable-from-dec-15-2023-to-jan-2-2024.html>.

## UCLA History: Dewey 1930

Sunday, December 03, 2023



Among the guests for the Dedication Ceremony of the new UCLA campus was educator John Dewey.

Source: <https://digital.library.ucla.edu/catalog/ark:/21198/zz000005kj>.

Dewey, promoter of "progressive education" of that era, can be seen below at minute 6:13.

Or direct to <https://www.youtube.com/watch?v=opXKmwg8VQM>.



# Dartmouth's Example in Dealing With Tension Over Israel-Gaza War - ...

Sunday, December 03, 2023



Yours truly has been featuring the Dartmouth approach to dealing with tensions over the Israel-Gaza War in prior posts.\* He came across a more detailed account on YouTube about the Dartmouth program from a PBS story that aired on November 6th:

Or direct to <https://www.youtube.com/watch?v=QcBCmpqn708>.

It would be useful for UCLA to mount such a program. Note that there is funding for such an effort potentially available from UCOP, as announced by UC President Drake.\*\*

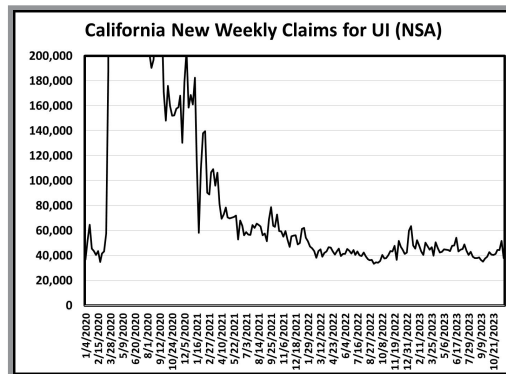
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\* [https://uclafacultyassociation.blogspot.com/2023/11/dartmouths-example-in-dealing-with\\_01421823328.html](https://uclafacultyassociation.blogspot.com/2023/11/dartmouths-example-in-dealing-with_01421823328.html); <https://uclafacultyassociation.blogspot.com/2023/11/dartmouths-example-in-dealing-with.html>.

\*\* <https://uclafacultyassociation.blogspot.com/2023/11/neutral.html>.

# Just bouncing around

Sunday, December 03, 2023



After rising a bit - although always within the pre-pandemic (boom) range - new weekly California claims for unemployment insurance fell in the week ending November 25, the latest data available. So, no sign of recession.

As we noted in a prior post, the Legislative Analyst's Office (LAO) is talking about a downturn in connection with state budget revenue.\* But at least by this measure, it's hard to see a recession in this series. We'll see what the UCLA Anderson Forecast has to say later this week.

As always, the latest data on new claims is at <https://www.dol.gov/ui/data.pdf>.

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\* <https://uclafacultyassociation.blogspot.com/2023/12/less-money-than-expected.html>.

## Yin to OMB

Monday, December 04, 2023



From [UCLA Newsroom](#):

*Wesley Yin, economics professor at the UCLA Luskin School of Public Affairs and at the UCLA Anderson School of Management, has been appointed chief economist at the White House Office of Management and Budget, or OMB.*

*Yin heads OMB's Office of Economic Policy, where he will help formulate President Joe Biden's budget and work on a wide range of issues, including national tax policy, health care and social insurance, climate policy, labor and student loans. OMB helps the president meet administration policy, budget and management objectives across the federal government.*

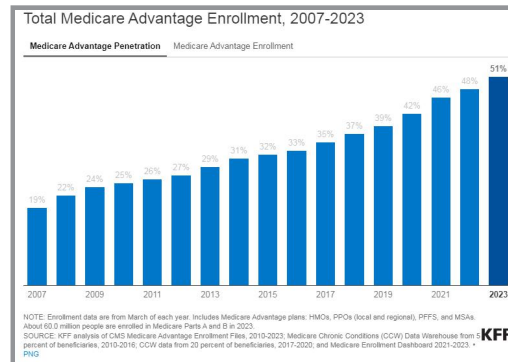
*During his government service, Yin will be on leave from UCLA during the 2023-24 academic year. He previously served on the White House Council of Economic Advisors and as the U.S. Treasury Department's deputy assistant secretary of economic policy during the Obama administration.*

*"There's the saying, 'Don't tell me what you value. Show me your budget — and I'll tell you what you value,'" said Yin, whose research focuses on economic inequality, health care and household finance. "This saying resonates with me, and now more than ever at OMB."*

Source: <https://newsroom.ucla.edu/dept/faculty/wesley-yin-appointed-chief-economist-white-house-budget-office>.

# Medicare Advantage

Monday, December 04, 2023



As blog readers will know, open enrollment for emeriti and retirees was extended because of a dispute between UC-San Francisco health providers and UC's Medicare Advantage Plan. Such plans - essentially privatized Medicare - now account for over half of those covered by Medicare (seniors and disabled persons). Unlike the UC versions of Medicare Advantage, most of those under Medicare Advantage chose to have such coverage, often as a result of advertising on late night TV and mailers that flood the Postal Service around open enrollment time.

Medicare Advantage plans in principle are supposed to cover whatever traditional Medicare would and - in addition - have special offerings such as gym memberships. Insurance companies that offer Medicare Advantage plans receive premiums that are risk adjusted from Medicare. Apparently, they are sufficiently overpaid to make the advertising and solicitation of more enrollees attractive. The question is whether at some point, as the costs of the Medicare program rise, Congress will feel compelled to act and cut back the subsidy. There are also questions about how the plans perform when major illnesses require expensive treatments; do they really provide what traditional Medicare does? The plans have narrow networks which could lead to long waiting periods before treatment, for example. Or patients may encounter barriers when major illnesses arise.

While Congress in its present dysfunction is unlikely to respond, the Biden administration is reported to be cracking down on misleading advertising of Medicare Advantage plans. From [KFF Health News](#) and [NPR](#):

*After an unprecedented crackdown on misleading advertising claims by insurers selling private Medicare Advantage and drug plans, the Biden administration hopes to unleash a special weapon to make sure companies follow the new rules: you.*

*Officials at the Centers for Medicare & Medicaid Services are encouraging seniors and other members of the public to become fraud detectives by reporting misleading or deceptive sales tactics to 800-MEDICARE, the agency's 24-hour information hotline. Suspects include postcards designed to look like they're from the government and TV ads with celebrities promising benefits and low fees that are available only to some people in certain counties.*

*Specifically, you should watch out for sales pitches that:*

- *Suggest benefits are available to all who sign up when only some individuals qualify.*
- *Mention benefits that are not available in the service area where they are advertised (unless unavoidable because the media outlet covers multiple service areas).*
- *Use superlatives like "most" or "best" unless claims are backed up by data from the current or prior year.*
- *Claim unrealistic savings, such as \$9,600 in drug savings, which apply only in rare circumstances.*
- *Market coverage without naming the plan.*
- *Display the official Medicare name, membership card, or logo without approval of CMS, the federal agency in charge of Medicare.*
- *Contact you if you're an Advantage or drug plan member and you told that plan not to notify you about other health insurance products.*
- *Pretend to be from the government-run Medicare program, which does not make unsolicited sales calls to beneficiaries...*

Full story at <https://www.npr.org/sections/health-shots/2023/11/30/1215968231/crackdown-medicare-advantage-sales-tactics>.

Although this crackdown doesn't apply to UC plans, a re-look at the subsidy received by Medicare Advantage, could at some point make the plans more expensive to UC than at present. We've said this before, but with the current crackdown, it's worth repeating the message.

## UCLA History: The View in '52

Monday, December 04, 2023



The caption for this 1952 photo reads, *"Photographed looking northeast with the post-war married student housing area known as "Gayleyville" in the foreground. Located on Gayley Avenue, these one-bedroom apartments provided cheap accommodation for married students with young families between about 1948 and 1968."*

Source: <https://calisphere.org/item/ark:/21198/zz000009xn/>.

# The Health Services Committee of the Regents Will Be Back Dec. 13

Tuesday, December 05, 2023



The Regents Health Services Committee will be back next week at UCLA for its last meeting of the year. Below is the agenda:

## **HEALTH SERVICES COMMITTEE**

Date: December 13, 2023

Time: 10:00 a.m.

Locations: Covell Commons, Los Angeles Campus

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Agenda – Open Session

Action Approval of the Minutes of the Meeting of October 11, 2023

Public Comment Period (30 minutes)

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Agenda – Closed Session

Action Approval of the Minutes of the Meeting of October 11, 2023

H1(X) Discussion Market-Based Salary Adjustment for Chief Executive Officer, UC Irvine Health System, Irvine Campus

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Agenda – Open Session

H1 Action Approval of Market-Based Salary Adjustment for Chief Executive Officer, UC

Irvine Health System, Irvine Campus as Discussed in Closed Session

H2 Discussion Update from the Executive Vice President of UC Health

H3 Discussion Clinician-Led Supply Chain Improvements at UC Health

H4 Discussion Advancing Health Equity and Justice across UC Health

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Agenda – Closed Session

H5(X) Discussion Joint Powers Agreement with Tri-City Healthcare District to Assume Ownership of All Facilities and Healthcare Operations, UC San Diego Health, San Diego Campus

H6(X) Discussion UC Health Litigation Update

H7(X) Discussion Acquisition of Assets of Healthcare Facilities, UC Irvine Health, Irvine Campus

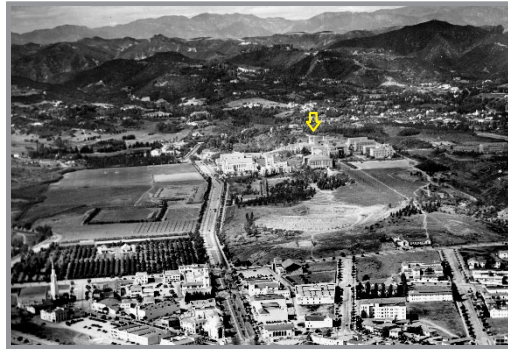
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Source: <https://regents.universityofcalifornia.edu/meetings/agendas/dec132023.html>.



# UCLA History: From Above in 1938

Tuesday, December 05, 2023

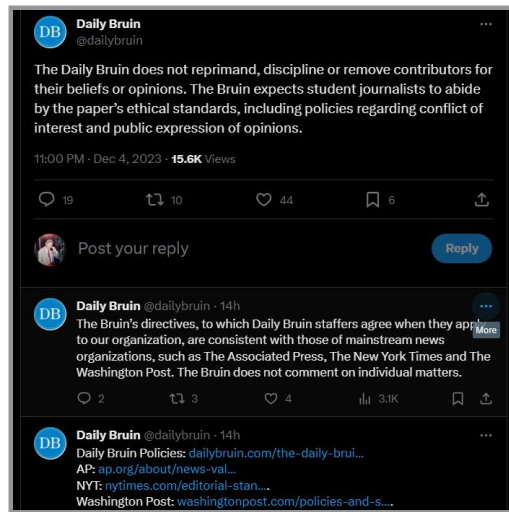


Aerial view of Westwood and UCLA from 1938. Royce Hall is marked with an arrow.

Source: <https://calisphere.org/item/ark:/21198/zz0000092q/>.

# Just a Tweet, but no explanation

Tuesday, December 05, 2023



Source: <https://twitter.com/dailybruin/status/1731931464688619797>.

The link in the tweet appears to refer to this statement:

## ***Conflicts of Interest***

*If a journalist is affiliated with an interest group, club or business they seek to report on, their resulting work is more likely to be biased or perceived as biased by our readership.*

*Our policies:*

- *Members of the Daily Bruin are barred from: Accepting gifts, materials, money and meals from sources.*
- *Participating in any other form of exchange that would provide individual benefit to the reporter.*
- *Reporting on individuals with whom the reporter has a personal, financial or romantic relationship.*
- *Reporting on any area of interest tied to their outside occupation or sources of funding.*
- *Members of the Daily Bruin may not be involved with: Student government, including the Undergraduate Students Association Council, the Graduate Students Association, the Associated Students UCLA Board of Directors or the On-Campus Housing Council.*
- *Politically oriented groups or clubs, including Bruin Democrats, Bruin Republicans and other groups that are publicly perceived as political.*
- *Members of the Daily Bruin must avoid: Attending protests based on political affiliation. If staff members participate in nonpartisan protests, they are barred from writing about or reporting on that topic during their time at The Bruin.*
- *Publicly donating to partisan candidates or causes, both on campus and off campus.*

- *Displaying overt preference in any areas of coverage. For example, posting a “Biden 2020” logo to social media accounts or wearing a “Beat USC” T-shirt to a UCLA football game.*
- *Members of the Daily Bruin must abide by the following guidelines on their public, Daily Bruin-affiliated social media accounts. Members are not permitted to express their views about politics, the University of California, UCLA administration or UCLA sports (for sports writers).*
- *Members may repost or retweet opinion pieces, but should not add unique commentary on the issues. (e.g. “I completely agree!” or “Vote them out 2020.”)*
- *Members may repost, retweet or compose information-based posts on partisan topics. They should not engage in opinion-based discussion on said posts.*
- *Note: Opinion columnists at the Daily Bruin have more leeway to engage in partisan causes and organizations. All involvements remain at the discretion of the editor in chief.*

*Why is this our policy?*

- *Conflicts of interest of any kind threaten truthful, unbiased reporting. This happens firstly through the actual potential to affect a journalist’s reporting. This happens secondly through perception: Readers may rightly point out the journalist’s conflict of interest and thus invalidate the necessary credibility of the work.*

Source: <https://dailybruin.com/the-daily-bruin-community-guide#Policies%20and%20Ethics>.

# UCLA History: Dedication of Kerckhoff Hall, 1931

Wednesday, December 06, 2023



" Photographed from a vantage point in the Education Building (Moore Hall), onlookers observe the dedication ceremony on the Kerckhoff Hall patio with the building's east side as a backdrop."

Source: <https://calisphere.org/item/ark:/21198/zz000007nj/>.

# Blackstone REIT Still Draining - Part 11

Wednesday, December 06, 2023



The Blackstone Real Estate Investment Trust continues to experience its slow-motion run on the bank, despite UC's pension and endowment bailout of \$4.5 billion. Although BREIT puts a positive spin on it - essentially, the pace of the run is slowing - those trying to get their money out continue to get less than they are asking for:

*Blackstone Real Estate Income Trust Inc., a publicly registered non-traded REIT sponsored by private equity giant The Blackstone Group (NYSE: BX), announced that they've reached the threshold limit for redemptions in November 2023, after twelve consecutive months of prorations. In a letter to stockholders, the company reported that it has returned \$13.8 billion of liquidity to investors since Nov. 30, 2022, when redemption proration began, while "maintaining resilient performance." BREIT says a shareholder who began submitting repurchase requests just two months ago has received "nearly all" of their money back.*

*In November 2023, BREIT received \$1.8 billion in requests under the repurchase plan. This represents an 18% decline from the previous month, October 2023. In accordance with their repurchase plan, BREIT is fulfilling approximately \$1.2 billion, which is equal to 2% of NAV and represents 67% of the shares submitted for repurchase...*

Full story at <https://thediwire.com/blackstone-reit-november-redemption-requests-lowest-since-september-2022/>.

As we have said many times before, the issue here is not whether - in the end - the \$4.5 billion investment will pay off. The question is whether it was prudently decided.

# Yesterday's Hearing

Wednesday, December 06, 2023



Inside Higher Ed carries a description of the congressional hearing yesterday concerning antisemitism on campuses: [excerpt]

NOTE: The hearing can be seen at <https://www.youtube.com/watch?v=LoPUWpdsoxY>

*House Republicans lambasted the leaders of three elite universities for more than four hours Tuesday in a contentious hearing that was focused on campus antisemitism but frequently veered into broader conservative critiques of higher education. "I do not refer to colleges and universities as 'higher education,' because it's my opinion that higher-order skills are not being taught or learned, and I think today's hearing indicates that," said North Carolina representative Virginia Foxx, the top Republican on the House Education and Workforce Committee, which hosted the hearing. "I have always defended higher education, but today I am embarrassed," said Louisiana representative Julia Letlow, also a Republican. Harvard president Claudine Gay, University of Pennsylvania president Liz Magill and Massachusetts Institute of Technology president Sally Kornbluth testified Tuesday and defended their actions over the past two months as tensions flared on their campuses following the start of the Israel-Hamas war. The hearing was the committee's second in the last month focusing on campus antisemitism, and likely not the last. House Republicans have used the recent protests and campus tensions to perpetuate their attacks on higher education. The presidents stood by their policies and commitments to free expression, their efforts to support Jewish students and their institutions' diversity, equity and inclusion programs, which Republicans on the committee have blamed for the rise in antisemitism. Gay, Kornbluth and Magill all condemned antisemitism and said they need to do more to make students and faculty aware of its "insidiousness." "We must get this right," Magill said. "The stakes are too high. Penn would not be what it is without its strong Jewish community, past, present and future. I am proud of this tradition and deeply troubled when members of our Jewish community share that their sense of belonging has been shaken. Under my leadership, we will never, ever shrink from our moral responsibility to combat antisemitism and educate all to recognize and reject hate." Since the Oct. 7 Hamas attack on Israel and the start of the war and subsequent campus protests, college administrators have sought to find a balance between promoting free expression and keeping students safe. In the process, they have struggled to please anyone. The challenge of striking that balance was on display at Tuesday's hearing. Many students at Harvard, Penn and other colleges have rallied to support Palestinians—demonstrations that outside organizations, lawmakers and alumni have criticized as supporting terrorism. Meanwhile, Jewish students have reported feeling unsafe on campuses in light of the protests, and campuses nationwide have seen an increase in antisemitism. Muslim students also have reported a rise in Islamophobia since the start of the war. Although the hearing didn't focus on those*

*incidents, the presidents and some Democrats on the committee did acknowledge that many Muslim and Arab students are hurting...*

*From start to finish, the hearing laid bare the minefield college administrators are facing right now when it comes to free expression. Stefanik, allotted several rounds of questions, repeatedly sought to pin down the presidents on when exactly speech violates their institutions' code of conduct. In a combative round of questioning near the end of the hearing, she asked each president whether calling for the genocide of Jews amounts to bullying and harassment. [https://www.youtube.com/live/LoPUWpdsoxY?si=4zngNP\\_C5eyHQS2&t=16926](https://www.youtube.com/live/LoPUWpdsoxY?si=4zngNP_C5eyHQS2&t=16926) All three said that decision depended on the context of the remarks in question and whether the speech turned into student conduct—a common refrain throughout the hearing. “It’s a context-dependent decision?” Stefanik said. “That’s your testimony today? Calling for the genocide of Jews is dependent upon the context? That is not bullying or harassment? This is the easiest question to answer yes, Ms. Magill.” Then Stefanik turned to Gay, who agreed with her colleague that whether speech violated the code of conduct depends on context and whether it is targeted at an individual. Stefanik closed her final round of questions by accusing Gay of “dehumanizing” the Jewish people. “It doesn’t depend on context, and this is why you should resign,” she said. “These are unacceptable answers across the board.”*

Full story at <https://www.insidehighered.com/news/government/2023/12/05/house-republicans-castigate-presidents-harvard-penn-and-mit>.

## UCLA History: Puddle, c1929.

Thursday, December 07, 2023



A puddle near the base of Janss Steps reflects the Library following a heavy rain during the first academic year on the Westwood campus. The Library, the northwest corner of which is seen here, was later known as College Library and, after 1966, Powell Library.

Source: <https://calisphere.org/item/ark:/21198/zz0000048d/>.



# FIRE claims victory in anti-DEI effort at UMass-Boston

Thursday, December 07, 2023



Past postings on this blog have noted litigation in California - specifically a case in the community college system - over required DEI statements for hiring and promotion, particularly involving FIRE, the Foundation for Individual Rights and Expression. In the California case, the requirement is currently temporarily blocked by a court.\*

According to FIRE, UMass-Boston, after threats of legal action by FIRE over similar DEI statement requirements, has quietly withdrawn those requirements from job announcements.

*... Late last month, FIRE wrote UMass Boston one last time, reiterating our demand. While the university's final response simply referred us to its prior correspondence, we subsequently noticed the DEI requirements were indeed gone. They also do not appear in newer job listings. While UMass Boston took nearly five months to remove these DEI requirements from its faculty applications, we're happy it eventually got there...*

Full announcement at <https://www.thefire.org/news/victory-umass-boston-quietly-removes-dei-requirements-faculty-applications>.

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\* <https://uclafacultyassociation.blogspot.com/2023/11/community-college-dei-requirements.html>.

# UCLA History: Registration, 1930

Friday, December 08, 2023



Mary Ellen Hohiesel, sophomore class president, crosses the Esplanade before Royce Hall with an unidentified student. The Esplanade is more generally referred to as Royce quadrangle and is known today as Dickson Plaza. Royce Hall was the center of activity during the mid-February registration for the "second half-year" (Feb. - June) of the first academic year on the new Westwood campus.

Source: <https://calisphere.org/item/ark:/21198/zz000006zq/>.

# The Forecast

Friday, December 08, 2023



The UCLA Anderson Forecast met for its December conference this past Wednesday. Basically, the outlook projected is one of slower growth, but not recession nationally. There are the obvious risks including two wars at present and where they might lead. California's outlook is much the same as seen below:



## The California forecast

*During the early part of this year, uncertainty about California's 2023 economic outlook was elevated because of the uncertainty in national economic policy. Even though recession worries have faded, increased military activity abroad and a sense of greater geopolitical risk has kept uncertainty about the future high.*

*This uncertainty factor, combined with a slower-growing U.S. economy in 2024, suggests a slower-growing California economy. There is some indication in the employment numbers that the fourth quarter of 2023 and the early quarters of 2024 will see small but positive growth. However, the data signals are mixed. California's labor force has declined of late, and the unemployment rate has been inching up. While there are still tailwinds in the data, they have moved from relatively strong to a very mild breeze. As such, there is less confidence in California's outperforming the U.S. in 2024 than there was three months ago...*

Full news release: <https://www.anderson.ucla.edu/news-and-events/press-releases/ucla-anderson-forecast-says-despite-geopolitical-uncertainty-data-indicate-no-recession>.

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From the outlook for **financial markets**:

*Over the longer term, expect much lower returns from stocks.*

*Over the near term expect a sideways stock market with more than the usual volatility and modest rate cuts. The 2024 election year dynamics will not help.*

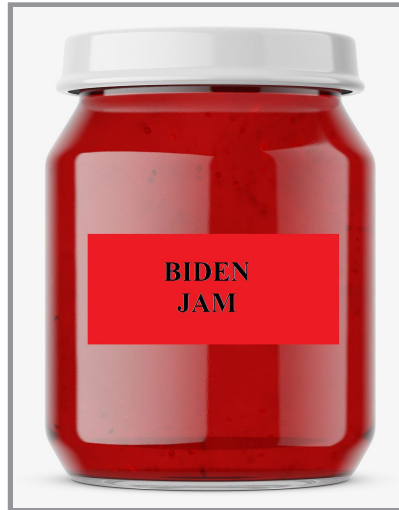
F u l l o u t l o o k a n a l y s i s :  
[http://www.uclaforecast.com/uploads/forecasts/2023/Dec/Dec2023\\_uclaforecast\\_shulman.pdf](http://www.uclaforecast.com/uploads/forecasts/2023/Dec/Dec2023_uclaforecast_shulman.pdf).

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Note that the financial market outlook has two implications for UC. It means lower returns for the pension portfolio and thus continued upward pressure on contributions. And, because the state budget is heavily dependent on income tax receipts from capital gains (which won't be there if there is a "sideways" stock market, it means budget pressures on the state which will filter down to UC.

# Potential Biden Jam on Westside Late This Afternoon

Friday, December 08, 2023



From the [Santa Monica Patch](#): *President Joe Biden and First Lady Jill Biden are expected to fly into Los Angeles Friday afternoon, impacting the evening rush hour. Between them, they'll attend six Los Angeles fundraisers over the weekend.*

*The president is slated to fly into Los Angeles International Airport shortly before 5 p.m. Friday before making his way to the Westside by helicopter and motorcade. Commuters should prepare for possible closures on side streets around the Santa Monica Airport, the San Diego (405) or Santa Monica (10) freeways...*

Full story at: <https://patch.com/california/santamonica/s/itqn9/angelenos-brace-for-presidential-motorcade-traffic>.

## UCLA History: Snow Day

Saturday, December 09, 2023

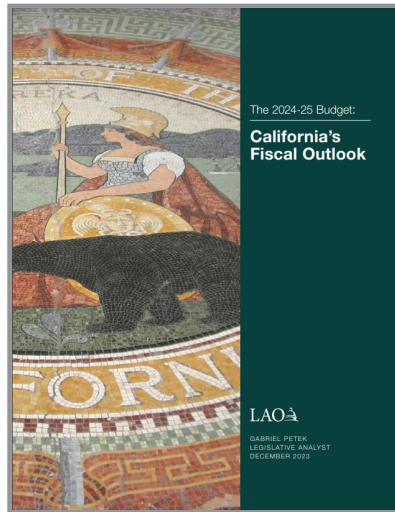


Snowfall on campus - Three female students standing in front of Education Building (Moore Hall), Jan. 15, 1932.

Source: <https://calisphere.org/item/ark:/21198/zz000008jg/>.

# The Budget as Seen by LAO

Saturday, December 09, 2023



Usually in November, the Legislative Analyst's Office (LAO) produces a budget outlook presentation. Essentially, LAO assumes that there are no changes in basic fiscal policy (taxes, spending) and looks at what would happen in the next fiscal year. Note that the governor, under the state constitution, must produce a budget proposal for that year in January.

This year, however, the publication was delayed due to the fact that revenues from last year, which usually could be reasonably estimated by now, were obscured by a delay for most Californians in the due date for income taxes. So the budget outlook was released this week. You have probably seen the scary headlines about the "deficit."

As we have noted umpteen times on this blog, California-speak for fiscal affairs uses such words as "surplus" and "deficit" differently from their common English usage. Most people think of a deficit in a budget as a gap between spending and revenues (mainly taxes). So yours truly has rearranged the budget numbers from LAO to correspond to that usage.

FY \$Millions	2022-23	2023-24	2024-25
<b>General Fund</b>			
Balance Begin	\$ 52,561	\$ 167	\$ (32,792)
Revenue & Transfers	\$179,961	\$189,062	\$193,255
Expenditure	\$232,355	\$222,021	\$222,782
GF Surplus or Deficit	\$ (52,394)	\$ (32,959)	\$ (29,527)
Balance End	\$ 167	\$ (32,792)	\$ (62,590)
<b>BSA (rainy day fund)</b>			
Balance Begin	\$ 22,252	\$ 21,515	\$ 22,074
Balance End	\$ 21,515	\$ 22,074	\$ 22,809
BSA Surplus or Deficit	\$ 737	\$ (559)	\$ (735)
<b>Safety Net</b>			
Balance Begin	\$ 900	\$ 900	\$ 900
Balance End	\$ 900	\$ 900	\$ 900
SN Surplus or Deficit	\$ -	\$ -	\$ -
<b>Total Reserves</b>			
Balance Begin	\$ 75,713	\$ 22,582	\$ (9,818)
Balance End	\$ 22,582	\$ (9,818)	\$ (38,881)
Total Surplus or Deficit	\$ (53,131)	\$ (32,400)	\$ (29,063)

Typically, when we talk about surpluses and deficits, we are talking about the state's General Fund which can be thought of as its checking account from which ongoing expenditures are drawn and to which tax revenue is deposited. However, in the California case, we have savings accounts associated with the General Fund. One is the Budget Stabilization Account (BSA) popularly known as the rainy day fund. Another account is the Safety Net Reserve. There is also an account for the public schools which LAO doesn't include in its analysis but the governor and his Dept. of Finance typically do.

What will happen if the balance in the General Fund is drawn into negative territory is that there will be transfers from the savings accounts to keep the General Fund positive. What the LAO is telling us in the table above is that such transfers will be needed along with other adjustments.

When we look at last fiscal year (July 2022 to June 2023), with revenues from its first half (the second half of calendar 2022) are now largely in, it appears that substantially less revenue came in than originally anticipated to the tune of around \$53 billion - last year's deficit in common English. There were reserves around to handle the drawing down (thank you, Jerry Brown!). But in the current year we have a continued drawing down of over \$32 billion and there isn't enough in the bank to deal with that deficit. Next year, yet more drawing down of about \$29 billion will occur. In short, absent changes in policy either to cut spending relative to current policy, or bring in more revenue relative to current policy, there will be a budget problem. Clearly, resolving that problem could involve UC's piece of the state budget.

The state is sitting on a lot of cash - we should get an estimate from the state controller for November by next week. Some of that cash is outside the general fund and its associated savings accounts, but is available for internal borrowing.

We will know in January what the governor proposes. Of course, what he proposes is not the same as what eventually will be enacted by the legislature by June 2024.

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The table above is drawn from <https://lao.ca.gov/reports/2023/4819/2024-25-Fiscal-Outlook-120723.pdf>. The BSA balance from last year is from



<https://ebudget.ca.gov/2023-24/pdf/Enacted/BudgetSummary/SummaryCharts.pdf>.

## Neutral - Part 2

Sunday, December 10, 2023



The Sacramento Bee carries a story about some UC-Davis professors protesting about President Drake's offer of financial resources to foster teaching of a "value-neutral" of Middle Eastern events.

*... [Eighteen] UC Davis professors signed a Nov. 20 letter raising concern about Drake's desire to teach "viewpoint-neutral history" and called for him to rescind such language. UC Davis educators — who spoke out recently regarding their decision to sign the letter — along with more than 150 UC faculty said Drake's comments undermine faculty's autonomy in the classroom and undercuts their internationally renowned work..*

*Drake's office issued a clarification on Nov. 30 about his Nov. 15 [offer], saying the UC system of 10 campuses remains deeply committed to "shared governance and academic freedom of faculty." His office is working with campuses to pinpoint how funds should be distributed, the statement said. "These additional initiatives do not restrict or compel faculty activities in any way; they are optional and will be implemented in a way that reflects community input," the statement said...*

Full story at: <https://www.sacbee.com/news/local/article282761043.html>.

As we have previously noted, arguing against "neutral" teaching in the popular press risks looking like an argument for teaching in a "biased" manner, or worse.\* Whatever nuances may be intended do not come across. Moreover, as we have also noted, there is the Dartmouth model which involved two academics with differing perspectives co-presenting their views in a civil format. Again, here is a news account:

Or direct to <https://www.youtube.com/watch?v=QcBCmpqn708>.

Something like the Dartmouth approach would likely be attractive to students, would meet the "value-neutral" criterion, and could receive the resources Drake referenced.

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\* <https://uclafacultyassociation.blogspot.com/2023/12/dartmouths-example-in-dealing-with.html>; <https://uclafacultyassociation.blogspot.com/2023/11/neutral.html>.

# Union for Student Dining Hall Workers at Santa Barbara

Sunday, December 10, 2023



From the [Santa Barbara Independent](#):

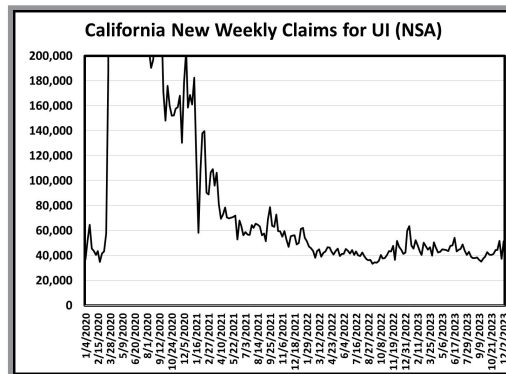
*A supermajority of student dining-hall workers at UC Santa Barbara have officially agreed to file for union recognition as the Student Dining Labor Union, which will be the first undergraduate union for dining-hall workers on a University of California campus... The student dining workers began organizing to form a union more than a year and a half ago, back in April 2022, with the goal of organizing to bargain for higher wages (despite Santa Barbara's high cost of living, dining hall workers make on average 25 cents higher than the state minimum wage), and better working conditions.*

*Workers filed for union recognition with the Public Employment Relations Board office, and the dining hall workers plan to join the UAW Local 2865 chapter, which currently represents more than 36,000 student workers in the UC system, including teaching assistants and graduate student researchers, instructors, and tutors at UCSB. UCSB officials declined requests to comment on the student workers forming a union.*

Full story at <https://www.independent.com/2023/12/08/uc-santa-barbara-dining-hall-workers-to-form-union/>.

# Down and Up

Sunday, December 10, 2023



Our weekly look at new weekly California claims for unemployment insurance (week ended Dec. 2) show the number popping up to where it was two weeks before after a one-week drop. It looks like there was a draw down during the "Black Friday," etc., sales period and then a return to the prior level. The national unemployment rate showed a drop for November. So, there still seems to be a strong labor market but without the very high level of vacancies (labor shortages) in the immediate post-pandemic period. We have noted that the California public sector will be feeling the effects of the developing state budget problem which seems in large part to reflect tax receipts (or lack thereof) from financial markets.

As always, the latest new claims data are at <https://www.dol.gov/ui/data.pdf>.

## UCLA History: Westwood from Lettuce Field, 1937

Monday, December 11, 2023



Panoramic view of Westwood Village on December 13, 1937, taken from Sepulveda Blvd. looking east. The plowed field in the foreground is used for raising lettuce. UCLA can be seen on the extreme left of the photo in the distance. WPA collection. Source: <https://tessa2.lapl.org/digital/collection/photos/id/2644/rec/2173>.

# State Cash Report

Monday, December 11, 2023



We noted on Saturday that the Legislative Analyst's Office (LAO) was projecting state budget problems due to less tax revenue arriving than projected. We also said that the controller would be reporting on cash receipts through November this week.

Actually, the controller's report came out earlier than usual. But it shows numbers also indicative of a problem. Through November (when delayed taxes for 2022 were due for most taxpayers), the state turned out to have overestimated tax receipts by over \$24 billion. Nineteen billion of that overestimate was from personal income taxes. Sales tax receipts were slightly underestimated, which suggests that the revenue problem was more from financial markets - capital gains and losses - than from the real side of the economy. But there is some slowing, since sales tax receipts are below what they were at the same time last fiscal year.

As the chart below shows, the calendar year 2022 was a time of general stock market decline. There was some offsetting appreciation in 2023, but we are roughly back to the peak of 2022.



The state still has over \$90 billion in unused borrowable resources so there is room for internal borrowing before it becomes necessary to borrow from outside markets. Nonetheless, the compact UC has with the state could come under strain.

The November controller's report is at <https://www.sco.ca.gov/Files-ARD/CASH/November2023StatementofGeneralFundCashReceiptsandDisbursements.pdf>.

# Rats!

Tuesday, December 12, 2023



From the Bruin:

*Students living in Rieber Hall said they have seen rats and mice in their dorms during fall quarter. In an emailed statement, UCLA Housing said it has received reports of rodents in some residential buildings. It added in the statement that rodents are a common issue in urban environments and that it is addressing the issue by sending members of housekeeping to the area and bringing in Animal and Insect Pest Management to set traps.*

*Felisha Kuo, a first-year biochemistry student living on the third floor of Rieber Hall, said a rat came into her dorm room earlier this year. She added that while she is not too stressed by the presence of rats in the building, her roommates are more bothered by their presence.*

*"It is a safety hazard, so it'd be better if they weren't here," Kuo said...*

Full story at <https://dailybruin.com/2023/12/07/students-in-rieber-hall-express-concern-about-rodents-in-dorm-area>.

This is a story that's hard to hear about:

Or direct to <https://www.youtube.com/watch?v=beQc-WDMnow>.

# UCLA History: 5 Cents

Tuesday, December 12, 2023



Caption: LOWEST FARE IN TOWN-UCLA students board one of the experimental trams Monday as 10-day trial gets under way at Westwood campus. Trams, result of campaign promise by student body President Jeff Donald, will cost the university \$1,200 to underwrite during test period. Commuters will pay 5 cents a ride.

Source: <https://calisphere.org/item/ark:/21198/zz0002tcbd/>.

Note that five cents sounds cheap, even adjusted for inflation. But the current fare is zero.



## The Forecast - Part 2

Wednesday, December 13, 2023



We earlier summarized the UCLA Anderson Forecast event of last week.\* You can now see it at:

Or direct to <https://www.youtube.com/watch?v=KFbLvDzXRJk>.

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\* <https://uclafacultyassociation.blogspot.com/2023/12/the-forecast.html>.

# UCLA History: Saying Good-Bye, 1953

Wednesday, December 13, 2023



Caption: OFF FOR FAR PLACES - Chancellor Raymond B. Allen of UCLA says good-bye to Miss Adaline Guenther, executive secretary of University Religious Conference, at start of flight by students on journey that will take them to Bombay, India.

Source: <https://calisphere.org/item/ark:/21198/zz0018034j/>.

# UCLA to be Investigated by Dept. of Education

Wednesday, December 13, 2023



First from yesterday's The Hill:

*The Education Department has added six schools, including Stanford University, the **University of California, Los Angeles**, and Rutgers University, to its ongoing probe over alleged discrimination, including antisemitism and Islamophobia.*

*According to the Department of Education's (DOE) Office for Civil Rights's list of higher education and K-12 institutions under investigation Monday, the other schools added include the University of Washington, the University of California, San Diego, and Whitman College.*

*The probe, announced last month, is to address the "alarming rise in reports of antisemitism, anti-Muslim, anti-Arab, and other forms of discrimination" in schools in the wake of militant group Hamas's Oct. 7 surprise assault into southern Israel.*

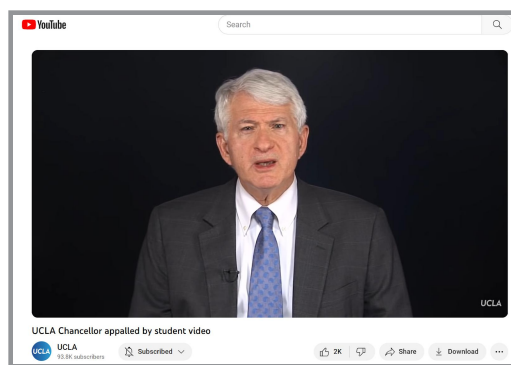
*The investigations are revolved around "alleged ancestry violations" of Title VI of the Civil Rights Act, which requires schools that receive federal financial assistance address discrimination. If schools do not address issues around discrimination, they risk losing federal funding or referral to the Department of Justice.*

*...UCLA did not immediately respond to The Hill's request for comment.*

Full story at <https://thehill.com/campaign-issues/education/4356763-education-department-discrimination-ucla-stanford-rutgers/>.

Comment: As is well known by now given recent events, as a public university, UC and its campuses are covered by 1st amendment guarantees of free speech, even if objectionable. Courts impose a high bar of these protections which generally covers "hate speech," so long as it doesn't rise to immediate incitement of violence. (Note that the 1st amendment does not cover Harvard, MIT, and the University of Pennsylvania, the three universities that were the feature of the recent Congressional hearing affair in which their presidents seemed to cite the 1st amendment.)

However, the constitution - because it protects free speech - does not inhibit commentary by university officials - chancellors, Regents, others - when incidents arise. Regardless of the legalities, uneven responses create a Bad Look and are suggestive of preferences and discrimination, intended or not.



On this blog, we have referred back to the contrast between the chancellor's response in 2011 to the "Asians in the Library" affair. To summarize, a UCLA student made derogatory remarks on YouTube about Asians at UCLA, thinking - apparently with parental support - it would attract attention and make her some kind of celebrity. It did attract attention, but not of the kind she wanted. She took it down when an uproar arose, but others put it back up: <https://www.youtube.com/watch?v=70qcgliWKk0s>. Chancellor Block, in response, posted his own YouTube video expressing outrage at the remarks: <https://www.youtube.com/watch?v=6feGp0GQVJ8>.

Fast-forward to 2015. A student posts antisemitic remarks on Facebook, far more objectionable than "Asians in the Library." A Jewish student wrote a protest to the Daily Bruin describing the Facebook post:

*...[The Facebook post] makes dehumanizing and stereotypical allegations about Jews and the power of the "Jewish collective," saying, "You're f—ing trolls, armchair politicians who do nothing but pick your nose, scratch your a— ... you come into our communities and destroy our small businesses." She then goes on to say, "You own the entertainment industry, and apparently you have so much power that you want to get me fired and sent back to the ditch I came from, don't you? Flex your little muscles, do your worst ... Where I come from, people like you, with your privilege and your wealth, are not welcomed because we know that with you comes the end of our world, sacrificed at the whims of your fancy." The student then attacks the Jewish state and the legitimacy of Jewish self-determination saying, "Go back to Israel, then f—ing Zionist pigs. You don't belong here either, this land belongs to the indigenous people who were already here. Since you're so superior, go murder some Palestinian children so you can have their parents arrested and move into their home. Greedy lifeless pieces of s— people. Capitalist colonizers who steal and kill from other races to promote your dead ideologies." To add pain to injury, she has the audacity to speak ill of the Jewish experience during the Holocaust. She says, "... Spare me your (H)olocaust stories. My people have been systematically enslaved and destroyed by this country, who removes them every time they become a nuisance to white people. No one is hauling your Jewish a— to a concentration camp today ..." She adds, "... go back to Poland or whatever freezer-state you're from, and realize that faith does not constitute race," completely denying the fact that Jews were almost always treated as second-class citizens in Europe, if they were treated as citizens at all. Lastly, the student then savagely denies any and all diversity of the Jewish community saying, "If you're a Jew, you're white. Not black, not middle eastern, not Asian – white." And let's not forget her final farewell, "Kiss my a— you Zionist bastards – I hope you all burn in hell on earth for the crimes committed by your people in the name of their Gods."...\**

No video response from the chancellor resulted.

The Facebook incident was not the only affair in 2015. Another antisemitic incident involving student government occurred in the same year.\*\* Again, no video response

response from the chancellor resulted. Eventually, a lower official made a comment in the form of a letter to the editor of the Bruin.

Now, it can be argued - as some have - that college and university presidents should not be expected to make statements about world affairs such as the Israel-Gaza War. But note that the three situations described above - Asians in the Library, Facebook posting, student government - were campus affairs, not world affairs. It would be difficult to make an argument that top college and university officials should not comment on campus affairs. So, then the question is whether the officials' responses are equivalent regardless of the group targeted.

Yours truly has no idea whether the Dept. of Education investigators are aware of the asymmetry described above. But it's all in the public record.

==== \* <https://uclafacultyassociation.blogspot.com/2015/12/waiting-for-block.html>. \*\*  
<https://uclafacultyassociation.blogspot.com/2015/02/time-to-go-separate-ways.html>.

# Dartmouth's Example in Dealing With Tension Over Israel-Gaza War - ...

Thursday, December 14, 2023



In past blog postings, yours truly has highlighted Dartmouth's program to deal with the Israel-Gaza War and the impact on students in particular.\* Prior posts featured reports about the program. I emailed the two major figures in establishing the program, Professors Tarek El-Ariss and Susannah Heschel, but both were out of the country. However, Jennifer Thomas, Administrator of both the Jewish Studies Program and the Middle Eastern Studies Program at Dartmouth, was able to provide me with a link to a video of one of the Dartmouth forums. You can see the second forum which took place Oct. 12, 2023 at the link below:

Or direct to <https://www.youtube.com/watch?v=om2FmYGfN7o>.

Alternative: <https://ia801406.us.archive.org/35/items/a-laugh-a-tear-a-mitzvah/Dartmouth%20Second%20Discussion%20on%20the%20Horrific%20Events%20Unfolding%20in%20Israel%20and%20Gaza%2010-12-2023.mp4>.

Alternative: Scroll down for transcript.

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\* <https://uclafacultyassociation.blogspot.com/2023/12/dartmouths-example-in-dealing-with.html>; [https://uclafacultyassociation.blogspot.com/2023/11/dartmouths-example-in-dealing-with\\_01421823328.html](https://uclafacultyassociation.blogspot.com/2023/11/dartmouths-example-in-dealing-with_01421823328.html); <https://uclafacultyassociation.blogspot.com/2023/11/dartmouths-example-in-dealing-with.html>.

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## Transcript

0:00

I hope that we will have many future such discussions. It's my colleague,

0:05

Professor Tarek El-Ariss, the chair of the Middle Eastern Studies Program, whom I work

0:11

with very closely and teach with, who was on the phone with me, very upset this past weekend,

0:18

and suggested that we should gather as faculty and hold an academic forum to talk about what

0:25

has been happening. Professor El-Ariss is just on his way back from Cairo, from a Dartmouth program,

0:32

but he's very much with us in spirit, and I thank him. I wanna thank the co-sponsors of these

0:38

gatherings. First in prime president Sian Beilock, the Dean of Arts and Sciences, Elizabeth Smith,

0:51

who's here with us today, the Dean of the College, Scott Brown, the Vice President for Institutional

1:00

Diversity and Equity, Shontay Delaloe, the John Sloan Dickey Center for International

1:07

Understanding, Victoria Holt and her staff who've been extraordinary in setting up the facilities

1:15

and the video live stream for us in very short order. The Government Department. The William

1:23

Jewett Tucker Center and Reverend Nancy Vogeles who's here, the Hillel at Dartmouth. And Rabbi

1:31

Seth Linfield who is here. The Ethics Institute. The Leslie Center for the Humanities. And

so many

1:41

faculty colleagues who are here with us today, including faculty who teach or have taught

1:47

courses on the Middle East. I wanna mention in particular the internationally renowned scholar,

1:54

professor Dale Eickelman, who is emeritus in the Department of Anthropology. Professor Rachel Feldman, who is a new colleague in the Religion Department. Professor Gene Garthwaite,

2:05

who may be here, I'm not sure, is emeritus in the History Department. Our colleague, Asaph Ben-Tov who is a visiting professor this year in Jewish studies, all of whom have taught

2:16

or are teaching courses relevant to our topic, and who would be excellent resources for students

2:23

and faculty to consult, to talk to in their offices or go out for coffee. And I encourage

2:28

everyone to do that. I wanna emphasize that it's crucial in holding these kinds of discussions,

2:36

that all voices are allowed to be heard, and that students, faculty, community members

2:43

who hold views that may differ from our own are allowed to speak them without fear of harassment

2:51

or recrimination. We need to remember to express our views without incitement against any group,

3:01



person or a category with respect for one another. That is the function of a university. And keep in

3:10

mind that many of us are feeling emotionally raw and traumatized. We want to emphasize that Hamas

3:19

does not equal the Palestinian people, and Jews do not equal the Israeli Government. And at the same

3:27

time, there are personal and emotional connections that many of us have. We're gathered here together

3:36

because horror has come into our lives because we have been watching and reading about what has

3:43

transpired this weekend. The massacre of over 1,200 Israelis and citizens of several other

3:50

countries, citizens of the United States, of Nepal, France, of Philippines, and certainly of

3:57

other countries as well. The massacre carried out by Hamas militants, who also killed among others

4:07

260 young people, the age of our students, at a music festival they were attending in the Negev

4:15

Desert. People killed in their villages, in their farming communities, their kibbutzim,

4:22

in their homes, on the streets. We're hearing atrocious accounts of rape, of beheading. We're

4:31

fearful of the fate of the hostages taken to Gaza. We're not entirely sure how many it may be 150, we

4:39

don't know the numbers for certain. The hundreds of the Hamas militants who infiltrated Israel were

4:47

killed. Most of them we assume. And at the same time, hundreds of Palestinian civilians and Gaza

4:54

have already been killed by Israeli government forces. And the numbers of those killed on both

5:00

sides, we fear will continue to rise dramatically. We fear a war is breaking out and it will be

5:08

terrible. Many of us at Dartmouth have family and friends and colleagues in Israel and also

5:15

in Gaza. Some of us have friends who are among the hostages. Some of us have friends who were killed,

5:23

or children of friends who were killed. Some of us have family in Gaza whom we can't reach. All of

5:31

us fear the danger that Lebanon may be drawn into this war and possibly other countries and parties.

5:40

I want to just remind everyone that Dartmouth offers psychological counseling, it's available

5:45

24 hours. If you have any difficulty reaching someone for that purpose, please contact your

5:52

undergraduate dean or get in touch with a faculty member. We all will be able to help you. We also

5:59

offer chaplains from many different faiths here at Dartmouth. Chaplains who will nurture and help

6:06

you protect your souls. Please take advantage. But we are here today, this afternoon, not as

6:15

psychologists or as chaplains. We're here for an academic forum to offer our expertise as faculty.

6:24

We wanna stress that our classrooms are places of academic exchange that have functioned for years

6:32

with respect for our purpose, which is scholarly study. We've achieved a wonderful collaboration

6:40

and cooperation at Dartmouth College, something extraordinary between the Jewish Studies Program

6:46

and the Middle Eastern Studies Program. And we at Dartmouth should be very proud of that

6:51

cooperation and collaboration that we co-teach courses, co-sponsor lectures and workshops. And

6:58

it is for that reason that we're able to come together as faculty for our discussion this

7:03

afternoon. And we should all be grateful for the high quality of scholarship produced by

members

7:09

of the Dartmouth faculty and their willingness to engage with the community during this highly

7:16

sensitive and emotional week. I will ask them to introduce ourselves in just a moment. I want to

7:24

explain some of the procedure this afternoon. Our staff will hand out note cards and pencils to all

7:30

who come into the auditorium. And if you wish to submit a question, we'll collect those note cards

7:38

and put them together. Some of the questions will be identical to others, so we're going to collate

7:44

them. These cards will be given to Professor Ben-Tov and he will then turn them over to the

7:49

panel. We'll also have microphones for you to ask questions from the floor, but if you prefer

7:57

to put your question in writing rather than stand up, that's fine. We're in no way trying to censor

8:03

questions. We're trying to answer as many as we can today. We also have a room in Moore Hall,

8:10

this building, room BO3, that is set up for an overflow crowd where you can watch the discussion

8:16

on livestream. We are being livestreamed now and recorded, and that will be made available

8:23

at some point, takes a while. In addition, we have reserved more room 110 as a place where

8:32

anyone can leave here and go to that room during the discussion if you want to have a quiet space

8:40

to reflect, to decompress, to cry. And so I now want to turn to our panelists and ask each of us

8:50

to introduce ourselves. Professor Jonathan Smolin, Professor Ezzedine Fisher, Professor Bernard

8:57

Avishai. Thank you all for being here and we look forward to our discussion. Go ahead, Jonathan.

9:13

- Okay, great. Welcome everybody. Thank you so much for coming. I'm Professor Jonathan

9:18

Smolin. I'm a professor of Middle Eastern Studies here. I've been at Dartmouth since 2005. I have a

9:26

personal, I thought I would share a bit about myself personally as a kind of start here. At

9:32

a time in which we're seeing such inhumanity, I wanted to share my own experience of humanity in

9:40

the Middle East and North Africa. I grew up in Center City, Philadelphia in a Jewish

family.

9:46

And so when I went and lived in Damascus in the year 2000, my family was uncomfortable with this,

9:56

but it was part of something that I was studying. I was studying Arabic. I was very interested in the Middle East and North Africa. And when you just study the Middle East and North Africa and

10:05

Arabic in a classroom, there's something, you know, cold or something, you don't get the full,

10:12

you know, experience, I would say. And so I was in Damascus for the outbreak of the Second Intifada.

10:26

I was there also for the Bush-Gore election. But I'm telling you this, because it was an incredibly

10:33

challenging time. And there were horrors on the news in the newspapers and on television screens.

10:42

But my experience on the streets of Damascus in the old city, with Syrians, with people, was

10:50

absolutely exceptional. The humanity of the people that I got to know in cafes, on the streets,

10:58

on neighbors, it was an overwhelming experience and really propelled me in my life and the things

11:04

that I do. I went from there to Fez. And I lived in Fez for a couple of years. And I was in Fez

11:14

in Morocco for 9/11. I watched it happen on TV in my house, and I went out and walked through

11:23

the old city of the old Medina and Fez. And it was incredibly moving the way that strangers

11:33

came up to me and hugged me and told me how sorry they were for what happened. And a deep sense of

11:40

humanity and empathy and connection. And beyond the incredible literature, incredible media,

11:50

societies, all aspects of civilization that has just, you know, become my life. It is truly the

11:58

humanity of the region in terms of, in moments of crisis, in moments of emotional turbulence, in

12:04

moments of deep challenge that has not only bolstered me, but has frankly made

12:14

me the person I am today and has, you know, really directed my life. And so I wanted to

12:21

just share this element of, you know, this personal element with you as a start that,

12:26

you know, I'm not just a someone who writes books and translates novels and teaches classes,

12:32

but that I bring with me sitting here, years of experience and living across the Middle

12:38

East and North Africa. And with my own humanity transformed and bettered through this experience.

12:48

- Thank you everybody for coming. This is, as you can see, our second session and you have

12:56

to hand it to us that were perseverance despite everything. My name is Ezzedine Fisher. I teach

13:04

Middle East politics at the Middle Eastern Studies program. Before coming here, long before coming

13:12

here, I used to work as a diplomat. I grew up in Egypt and as a kid, I grew up with pictures of

13:21

family members that we lost to the war, multiple wars with Israel, my own family, IDPs from the

13:29

Suez War. So I grew up with all the stereotypes that you can imagine about Israelis and about

13:35

Jews, in general. And then I worked as a diplomat and my posting guess where? So, I was posted to

13:43

Israel and living in Israel in Tel Aviv for two years first, gradually got me to appreciate the

13:54

human dimension, to see people not as categories, but as individuals and as people who are frankly

14:01

like any other people. That reminded me of my family and friends and had more or less the same



14:06

aspirations and fears and so on. But probably more importantly is that my work as a diplomat

14:13

showed me something that probably, if somebody had told me, I wouldn't have understood, is that

14:19

as a diplomat, you know, you can't force people to accept things. So you have to reason with people

14:25

and you can't convince them to do something unless you understand where they're coming from. And

14:31

unless you understand what their motivation is, what their concerns are, so that you can think of

14:38

something that would be acceptable to them. And just changing the mindset from being, you know,

14:45

judgmental, what is international law saying, you know, why aren't you do this? And so on, to try to be in the other person's shoes made all the difference, not just in my work, but in my

14:56

life and in my relationship to everybody who's different from me. And that's one thing that I

15:02

brought with me, I think from the diplomatic, from the diplomatic experience. And I'll stop here.

15:11

- My name is Bernard Avishai. I teach political economy in the Government Department. I have to

15:22

admit that when I was told that we would start out with some personal reflections,

15:29

I was a little skeptical. And now I see that probably it was a good idea. Susannah said,

15:37

we are not categories. And maybe that's the virtue of starting this way. We are not categories.

15:50

I started out as a category. I was the son of a Zionist leader in Canada. And after he died in 72,

16:00

went to live in Israel. I was in Israel during the '67 war, and I knew something about the dread that

16:09

came in advance of that war and a corresponding sense of euphoria that came. I was in Jerusalem

16:16

the day it was declared as it were united, moved there in 72 and have been living in Jerusalem on

16:26

and off and writing about this conflict on and off for 50 years. I was a West Bank settler at

16:35

one point. I was in the French Hill in east Jerusalem. And I thought at the time, well,

16:42

you know, it's sort of in the land between where Jews live in Jerusalem and where the

16:48

Hebrew University was being built. So what the hell, you know, I mean, it's not really

16:53

not Israel. And it took me many years to become much more sensitive to the importance of thinking

17:08

about people in more individual ways. I made many friends in East Jerusalem. I've taught in Libya.

17:15

I know many people in Jordan, human beings all, and I'll have more to say about that fairly soon.

17:26

- So my name is Susannah Heschel. I grew up in New York City. My father was a professor of Jewish

17:32

theology and he became involved when I was a child in the Civil Rights Movement and also in the movement against the war in Vietnam. So political issues were important to me. I originally was

17:42

in love with the Bible and thought that would be my field. But then I went to visit some graduate schools and, you know, I'll give you an example. I sat in on a seminar and the professor had a

17:53

verse from a psalm, I think in something like the gates of the city sing the praises of the Lord. And the professor said, what do you mean? Gates don't sing. So obviously there's a mistake

18:02

in the Bible. And so we spent the whole two hours redoing the verse till he finally concluded, no on

18:08

the gates of the city were written the praises of the Lord. And at that point I decided that

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there was a pathology to biblical scholarship. And I wanted to investigate where does this come from? So my interest is really in the history of biblical scholarship and why they ask the

18:23

questions they ask and why they have no sense of poetry and literature. And so I wrote in my

18:28

first book on 19th century biblical scholarship, a second book on the Nazi period about theologians,

18:34

Protestant theologians in Germany who supported Hitler. And then I wrote a book on the history of

18:39

Jewish scholarship on Islam. Thanks to grants from the Ford Foundation, I was able to do some work in

18:46

Cairo. And then I also went with Professor Smolin and professor El-Ariss to Beirut,

18:51

to the American university where we went to a conference. And I'm very interested in that. I'm interested in what happened in this period that I work on, which is a 19th,

19:01

early 20th century. I think about figures I'll just mention. There was Gottlieb Leitner,

19:07

Hungarian Jew, who founded the University of the Punjab in the 1870s and then moved to England where he built the first mosque outside London in Woking. I think of Joseph Horowitz,

19:17

who was a professor of Arabic at the Aligarh Muslim University in India from 1907 to 1914. Yes,

19:26

you know, yeah. Isn't that amazing? Or I think of Max Herz who founded the Museum of Islamic Art in

19:32

Cairo and restored the Al-Azhar Mosque in Cairo and many other places. So that's become another

19:40

interest of mine, the Jewish fascination with Islam and scholarly study of Islam, especially

19:47

of the Quran. And so this is my engagement and I'm just so glad to be at a university where

19:56

we have such a wonderful community of scholars in these fields and also the collegiality that

20:02

we may teach courses together. So we have questions that have already been submitted,

20:11

and I'm sure more questions will arise. Do you want to begin by telling us some of them?

20:16

- Okay, all right. It's a long question. So I'll just read the first half. I think. How can we

20:22

have civil, productive conversations about a topic that is so emotionally

20:30

and historically charged, especially when there is so much disinformation?

20:37

- Pass this on to Ezzedine. - Do you want to start?

20:44

- I'd be happy to. One thing I remind myself over these days is of course the importance

20:56

of principles and values and being guided by principles and values. What are your principles

21:02

and values? What is it that you clinging to? Not when it's convenient, not when it's comfortable,

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not when it's popular, but when it's hard, when you're emotional and you don't want to

21:14

pay attention to that. And so for me, principles and values are respect for human beings is human

21:23

rights, is rule of law, is freedom of expression. But freedom of expression, of course, should be respectful. And I think using those principles, at least for me, and values as

21:36

guiding, as what guides interactions, what guides my exchanges, my encounters, regardless of what

21:47

is going on around me, is absolutely crucial. No matter how emotional, uncomfortable, frustrated,

21:56

you know, I may be, it is always these principles and values that guide my path.

22:05

- Do you wanna take a step at that? Do you wanna answer the same question? - Well, I'll just say what I said on Tuesday at the beginning, which is very much in line

22:21

with what you were saying, Jonathan. If you, I actually looked at the voting patterns of the

22:32

young people and the members of the kibbutzim who were killed on Saturday. Overwhelmingly,

22:42

we are dealing with people who have been supporting the peace movement and the peace

22:48

camp in Israel consistently for the last 25 years. And the young people who were killed,

22:56

particularly, on the Sabbath, so if they're going to a rave concert on the Sabbath,

23:02

you have to imagine what kind of secular Tel Aviv world we're talking about, were also speaking even

23:14

retrospectively that they went to a concert to celebrate peace and love. They were people who

23:22

I will bet, if you ask them, do you believe in a reciprocal, independent Palestinian state or

23:35

Palestinian entity in confederation with Israel, where Palestinians have all the rights that we

23:41

have? Their answer would have been uniformly yes. And they were turned into a category

23:49

when they were shot. At the same time. I called my friend Khalil Shikaki, who is Palestine's probably

23:59

most famous and original survey researcher. And the last time Gaza was polled in May of 2021 in

24:11

advance of elections that were scheduled, Hamas barely scratched 30% popularity among Gazans. So

24:26

we have to remember that when civilians are killed by Israeli artillery or Israeli jets,

24:37

two out of three of the people who are getting killed are not even Hamas supporters, let alone

24:44

Hamas operatives. The problem is precisely that you get turned into a category by heinous crimes

24:57

like this. And when Jonathan says, we have to remember our values, the way I translate that

25:05

is we have to remember that democratic norms are really a function of a determination to

25:14

see people as having an individual dignity. And no country, no country, no nation is a monolith.

25:28

- Susannah, the rest of the question says, you know, because emotions are high, anything you say is bound to offend somebody.

25:39

And so what is the solution? Should one just stay silent? Stay silent.

25:49

- Hmm. So one thing that we learn as scholars is never to be satisfied with a simple narrative.

25:57

Never to think that we've come to a final conclusion. Whatever scientific experiment

26:02

we may conclude today, there'll be one that overrides it in the future. And the same is true for historians. But the reduction to a simple narrative is something that I find very

26:13

dangerous. We offer classes here, we encourage all of our students here, come take a class,

26:21

come attend one of our lectures, one of our workshops, inform yourselves. We also wanna

26:29

clarify, since it's been raised as a question in understanding, in studying something,

26:36

it doesn't mean we condone or we agree. We have courses here on racism, on



enslavement, on Nazism

26:45

and fascism. We don't endorse those. I don't become a Nazi when I write a book about Nazis. So

26:54

that's important to be said. We obviously, without question, I would take everyone in this panel,

27:01

everyone in this room, the slaughter of human beings is something that we condemn without

27:08

question. It's the fundamental thing that makes us a human being. We don't kill other people, period,

27:14

under any circumstances and for any reason. And there's no justification. I would add to it,

27:21

it doesn't accomplish anything. So when we speak to one another, perhaps we have to recognize our

27:27

own limitations, the limitations of our knowledge, the limitations of the information that were being

27:34

provided to be aware that we should not try to learn what's going on from TikTok. We have the

27:42

great privilege of Dartmouth, of having access to newspapers from around the world online through

27:48

our library, and we also have colleagues, professors that we can consult. So let's also

27:55

remember that people are raw. The most important thing right now is to be kind, not to try to win

28:05

arguments or denounce or even issue a statement. Why do you have to issue a statement? What does

28:13

that accomplish? It's a little bit narcissistic. Here I am, here's my opinion, which may or may

28:20

not be a valid opinion. I don't know. Let's be kind to one another. Let's treat people the way

28:27

we want to be treated. Let's keep it at that level right now because everyone is raw and suffering.

28:38

- I wanna say something about this question and then we move to the next question. And I

28:43

understand that emotions are high. I know everybody has strong emotions about it, but I want you to ask yourself, especially students, when you talk about the topic, what

28:55

are you trying to achieve? Are you advocating? Are you trying to understand what is happening

29:04

or are you trying to find someone to blame? And those are different things and you're entitled to

29:10

do all three or some of the three. It's entirely in your right to just be indignant at this or at

29:18

that and to stay at this level because emotions are raw, and this is where you are and that's

29:23

fine. The same thing if you want to advocate, if you wanna become party to the conflict because

29:30

you care about your people, you want to advocate for your people, it's entirely in your right. The

29:37

last one is the one I am more interested in and the one that I think we have an advantage in as

29:43

a college which is to try to understand what is going on, which means understand the complexity,

29:51

which is often unpleasant because we come across things that we don't like. But that's,

29:58

in fact as student, as learners, that's our job here. And if we're not doing that, we will be,

30:04

you know, you can do this from home. You don't have to go to an Ivy League university in order

30:09

to be indignant. Everybody gets indignant. The opportunity you have here is to learn and

30:17

to learn different perspectives. They're not the same. But then you learn a method of how you approach a complex issue that is charged and maybe you can find out something useful

30:28

other than the one you started with. That's what learning is about. Again, if you're at the indignation level right now, that is perfectly fine, but I want you to think about

30:39

that. Maybe there is something in there that would be useful for you. Your questions, next question.

30:45

- Okay, this is a multi-part question, but I'm gonna take the third here. There have been news

30:52

articles such as from The Guardian claiming US CEOs are trying to gather names of Harvard

30:57

students showing support to Palestinians during this time. This seems like a lot, a lot like

31:04

doxing. Some students at Dartmouth feel unsafe publicly showing support to Palestinians. What

31:09

are your thoughts about this? And I think this connects directly with what Ezzedine was just talking about, right? That going back to at least what we were talking about earlier in

31:21

terms of values, right? Freedom of expression, of democratic principles, of individual dignity,

31:26

of respect. This is bedrock material. And anyone who feels like they cannot express themselves in

31:35

a place, at a university where we are founded on exchange of ideas and learning new viewpoints and

31:42

being uncomfortable, but learning from discomfort in terms of our personal growth, it's unacceptable

31:49

if there's any blockage to that. And if there is, email me [Jonathansmolin@dartmouth.edu](mailto:Jonathansmolin@dartmouth.edu). Okay,

31:58

it's completely unacceptable. We are a community of free exchange, of exchange of

thought. Now this

32:04

is a difference from indignant condemnation, which is as Ezzedine is mentioning, which is certainly

32:12

not trying to suppress that, right? And that's of course freedom of expression, but without a doubt

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exchange that we should all feel comfortable and we should all feel like we have a place

32:26

in order to express ourselves, our emotions, but also our ideas and our thoughts. Others?

32:35

- I just want to say in a way I'm answering the last question again,

32:40

you know, Ezzedine and I teach a course together on Israel and Palestine. And at the beginning

32:47

of the year when we introduced ourselves, we said, we each said in our own way, you know,

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we're probably going to disagree about a lot of things. And the truth is that sure,

33:05

we may have some disagreements or we may be reading different texts and coming to different conclusions. But the thing that we both had together when we went into this was a

33:15

sense of tragedy. And I feel like there's nothing more precious than a sense of tragedy. Anybody

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who feels that they must make a demonstration of affiliation, either with Israelis or

Palestinian,

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they should certainly not feel in any way that they're going to be either harming themselves

33:46

publicly here or compromising their future in some way. That's completely unacceptable. At

33:53

the same time, the way one makes one sense of affiliation known is telltale. Are you showing

34:10

a sense of affiliation for people whom you love, or people whom you feel have suffered in dignity

34:21

or suffered injustice? Absolutely. But at the same time, that does not mean justifying the

34:35

action of anyone with whom you feel that sense of affiliation, if that action was inhumane.

34:48

That's how Plato starts the "Republic." You know, questioning whether you simply, whether justice is

34:58

just doing what's good for your friend. Justice is not just doing what's good for your friend.

35:14

- Can you answer questions? - And as a side note, if I may, I do hope that the Dartmouth community understands

35:21

what a rare opportunity it is to have a course on the Israel-Palestine conflict taught by a major Egyptian diplomat and a Israeli public intellectual

35:31

team taught this is incredibly rare and a wonderful opportunity for you.

35:37

- Speaking of Egypt, I have a question. Why is Egypt reluctant to open a corridor for safe

35:48

passage? And there is with it a question about what role do foreign governments have in this

35:56

role? So I'll answer the first one and then leave it to you too. So again, it's a complicated story

36:04

and I'll try to make it simple. Israel imposed a full siege on Gaza, including cutting off fuel,

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water supplies and food supplies until the hostages are released. Egypt sent a convoy with

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fuel and food and what have you, and then Israel opposed and said, if the convoy crossed into Gaza,

36:35

they will bomb it and then bombed the Rafah crossing on the Palestinian side three times

36:42

within 24 hours, enough for the Egyptian government to get the message and the convoy

36:49

turned back. Egypt since then has been trying to convince Israel to allow that corridor into Gaza.

36:58

So we're talking about there are two different things, safe passage of assistance into Gaza,

37:05

even with a limited ceasefire to allow for this to go in. The other issue is allowing Gazans to leave

37:14

Gaza Strip and go to Sinai. On the latter, the Egyptian government is adamant not to allow this,

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and that's in coordination with the Palestinian authority because collectively the Palestinians

37:27

and the Arab side has a memory since 1947 and 48 that people who leave even momentarily to

37:36

flee the conflict are not allowed back. That's the story, how the refugees, the Palestinian refugees,

37:42

how the story started. So for this, Egypt is kind of, until today is adamant not to let the

37:49

Palestinians of Gaza go to Sinai. Having said that, I think last I checked this afternoon,

37:58

the number of Palestinian IDPs, the people who fled their homes, fearing that they will be

38:05

destroyed or their homes were actually destroyed, reached almost half a million. Now they are housed

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in UNRWA, United Nation Relief Work Agency, in UNRWA's schools and camps and so on. I fear,

38:24

and I'm not the only one that the number is gonna grow and then it'll become untenable even

38:29

for UNRWA to sustain this number and then things might develop. So this is where the situation is.

38:37



- My understanding is that this came up in the conversations with Anthony Blinken and the Israeli

38:46

government this afternoon, or you know, this morning for us. And I suspect that there will be

38:55

more to this story. Obviously there's aid coming into El Arish airport and there's got to be some

39:06

kind of corridor which will have to be monitored in some way by international agencies. I have a

39:14

question here. How do the latest developments affect Israel and normalization talks and its

39:22

relations with other Middle Eastern countries? It's a wonderful question. I'm actually trying to

39:28

write something about this now. It's been said again and again that this attack on Saturday

39:36

was somehow the death nail of American efforts at normalization. That the Saudi, how did Ian Bremmer

39:44

say Saudi deal is off the table, which is another way of saying that America's effort to create a

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diplomatic track for regional integration and normalization has somehow been obviated by this

40:02

attack. I think that is a tremendous mistake. It's a mistake to think it, and it would be

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a tremendous mistake for America to operate under that principle. And I got the sense this

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afternoon watching Blinken's press conference that he's, that somehow he understands it. You know,

40:30

during the 73 war, the first war I covered, Israel was given, Henry Kissinger gave Israel a chance to

40:44

surround the Egyptian third army, if you remember. But he very carefully and very deliberately did

40:52

not let the Israelis bombard it because he realized that the 73 war was a crisis that

41:01

was too good to lose, that it had a diplomatic opportunity attaching to it. The same is true

41:12

here. The Saudi initiative was often reported to be a very minor carousel, which is yes,

41:22

we'll have to do something for the Palestinians, but just enough so that Mohammad Bin Salman will

41:28

not be embarrassed too much in pursuing his normalization. In fact, the Saudi initiative

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has been held up. The Saudi normalization has been held up because of the Palestinian question. But

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it's also true that both from the American point of view, there was no effort to really push the

41:49

Palestinian issue or to elevate the prestige of the Palestine authority in these negotiations,

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to provide an alternative track with which to envision Palestine independence, the end of the

42:05

occupation, and some kind of confederal system in which the Israelis could live with. I think

42:12

the American government today has a tremendous opportunity under the rubric of the Saudi plan to

42:19

elevate the Palestinian national rights in ways that they have not been willing to do before,

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in a way it's absolutely essential that they do so, essential because if this war continues

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as it looks like it's going to continue, it's the very time that Palestinians who

42:41

are not affiliated with Hamas have to feel that they have some kind of political horizon that

42:47

cannot come from the Israeli government today. It can only come from the American government.

42:53

- In connection with that, I think perhaps we are aware that the feeling in Israel among those who

43:02

voted for Netanyahu, the support at this point for Netanyahu is tiny. It's dropped dramatically.

43:12

There's rage at him and his government, at their incompetence, at their stubbornness.

43:19

And it's clear that Israel also will emerge with a very different political scenario. I have to also

43:26

just say that I was on a Zoom with Jim Zogby yesterday and he said, Shikaki's numbers were

43:32

actually elevated. He said that the support for Hamas in Gaza was only at 15 or 16%. Hamas does

43:41

not represent Gazans and shouldn't be conflated any more than Netanyahu and his government

43:48

represent Israelis or Jews. So that is sometimes confused and should be clarified. But yes,

43:57

it's hard to think of anything good coming of such a horror. But if anything does happen, it's clear that there will be a different political scenario. And I believe Ezzedine we were talking about

44:07

Egypt. The situation in Egypt right now is rather dire. It's not clear that Cece will survive this.

44:14

- Yes, I want to remind you that you can ask for the microphone and ask questions directly. You don't have to-

44:21

- You have questions? - [Man] Yes, yes, yes. - [Susannah] Go ahead. - My questions are completely invisible. That's not my job. I meant you're my clients and I have

44:29

to do justice for many, many important 'cause I haven't folded note because they tend to repeat themselves. So I'll orally repeat. It's important. Excellent.

44:38

- So do you want the microphone to ask? - Can you hear me repeat the question? Yes, they can't.

44:44

- Yes. So I'll Oh, thank you. I'll repeat. This is a question that several participants there's,

44:50

there's of course the feelings are very raw and indignation both violence, unto people in Israel

44:56

and Gaza. And that's palpable in many of the notes. I'm thinking of professor, I'm thinking Professor Heschel and other, a caution against, against sheer indignation. But there's a genuine

45:08

question behind the indignation, and I'd be doing an injustice to my clients if I don't repeat this.

45:15

A recurring question is the, sometimes it's an open question. Sometimes it's a statement

45:23

that either Israel generally or the Israeli, the Israeli rule over Palestinians is a form

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of apartheid. Now, otherwise, I would say maybe we don't need this evening, but there's an important, that's an important, that's a legitimate and important claim. But there's a question

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behind this that I think, I feel very strongly should be convicted and is a moral question is

45:45

from that point of view, what do you feel are the legitimate borderline, what the legitimate

45:50

contours of legitimate resistance to what people feel is an unjust apartheid system or occupation?

45:57

That's an important question, which was repeated several times. I'd like to communicate.

46:02

- Let me, let me take the second question about the right of resistance because again,

46:10

as an Egyptian, and even when I was in Jerusalem, I was there during the Second Intifada, those were

46:17

the most violent years, 2000 all the way to 2005. And every time we would talk to Hamas or other

46:28

militants about the use of violence, the question of the right of resistance will come up. So let

46:34

me say what I know about that right of resistance. I'm not a professor of international law. I took,

46:39

you know, enough courses to be able to tell what is what. Occupy, without the question of

46:46

apartheid, so even without going there, which I prefer because that's another. International law

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grants occupied people the right to resist occupation, number one. International law

47:07

grants occupying powers the right to suppress resistance. What international law does is not

47:17

end occupations. What international law does is organize the boundaries of occupation in the same

47:26

way that it doesn't abolish war, but tells you what is acceptable and what is not acceptable

47:33

during war. What is not acceptable for resistance or for suppression is targeting civilians under

47:43

any circumstances. And targeting civilians in international law is different from a collateral

47:52

that is civilian. Targeting civilians is placing a bomb in a coffee shop or a bus. International law

48:04

also prohibits the occupying power from bombing heavily populated area because even if you're

48:11

not targeting civilians, you are bound to hurt civilians. That's what international law says.

48:21

So the question of terrorism is not covered by the legitimate right of resistance. International law

48:31

defines civilians not as people who are completely innocent of occupation, but as people who are not

48:39

not in active service of the army. So even if I'm a soldier in the occupying army and I am on leave,

48:48

I'm on my way to the unit or on my way home from the unit, I am a civilian. If you're asking about

48:56

international law, that's international law. You can take the rest of the question. I am sorry,

49:14

just one more thing. Having said that, the question about using resistance,

49:21

even the legitimate resistance, like, you know, fighting an occupying army, the question is not

49:27

whether you have the right to do this or not, that's an important question, but there is another important question in my view more, which is, is it a good idea to do it? What are the expected

49:38

consequences of your action? And that brings the question of heavily populated areas. If I am a

49:44

freedom fighter who lives in a very crowded area, and I have my operation in that crowded area,

49:50

and then I go and I shoot at a soldier and I know that they're gonna come back and bomb the entire

49:57

neighborhood, is this really a good idea? Can I tell my people, let alone the occupying power,

50:03

can I tell them it's legitimate? And what do you expect the occupying power to do when you shoot

50:10

at its soldiers? You're just like, right, we're occupying, we're out of here. Or are they gonna

50:17

come after you? So the political dimension cannot be fully dissociated from the legal question.

50:27

- Look, I've had to give the thought of what really qualifies as terrorism quite a good,



50:36

I had to give it a good deal of thought. My own stepsister was killed by a terrorist. And,

50:42

you know, since the early '70s I've been thinking about, well, what really qualifies as terror?

50:49

What's the difference between the terrorist and the freedom fighter? And I won't speak now to

50:57

the question of whether or not the occupation of the West Bank and Palestinian Territories

51:05

is in any way legitimate. There's some in Israel who say well, this is contested land,

51:12

et cetera. Well, they're contesting it. So they call it contested land, but it's not, I think according to international law, it's pretty clear that the occupation is a violation of

51:21

the Geneva conventions insofar as it puts Israelis on the other side of what we used to be called

51:28

the green line. I accept that, but now I'm asking you thinking of this in a slightly different way.

51:35

What qualifies as terrorism? What's the difference between a terrorist and a freedom fighter? To me,

51:41

if you are fighting for your freedom, but you have reasonable nonviolent ways of achieving your end,

51:57

that should be the default. If you feel you have absolutely no non-violent ways of

52:07

achieving your end, then, like for example, you know, Hitler's occupation of Ukraine,

52:16

if there is no reasonable, non-violent way of achieving your end, then legitimate resistance

52:23

would mean attacking the armed military of the occupier. I would have to say, if I were

52:38

persuaded that the Palestinian population of the West Bank, leave Gaza aside for a moment,

52:46

the Palestinian occupation of the West Bank left absolutely no way of entertaining a non-violent

52:58

resolution of that conflict, I would say that a Palestinian freedom fighter, much as it hurts me to say this, would have a moral justification for killing an Israeli soldier,

53:11

even if that soldier would be our own grandson or son. I see it morally, I see the logic, I don't

53:26

see the logic of turning people into some category which allows you to kill people at random. That

53:38

anyone who falls into this bucket dies. And I also don't accept the idea that Palestinians

53:47

have no reasonable non-violent way of achieving statehood or confederal relation with Israel.

53:56

- [Ezzedine] What did you say about us disagreeing? - Wait, wait, I know.

54:02

- Just bracket. - No, I know. Ezzedine and I have come up to points in our course several times over the

54:10

last 40, 50 years where we feel we're getting close, close, close. And somehow the diplomatic

54:18

process unravels. As someone who lives in Israel and is fighting for the result that

54:28

I say has been out of reach. I believe that our side can win. And I also believe that

54:39

Palestinians, who by the way, when you go to Ramallah, as I've been many, many times,

54:45

Palestinians are constantly asking questions about political processes in Israel and seem to

54:51

have more interest and expertise about the Israeli political party system than many Israelis do. So-

54:59

- We have questions that people wanna ask, okay? So we're going to. - I'm. - I want to, I have to make an announcement first of all that this event is being live streamed and

55:09

recorded, and if you wish to see the recording, you contact the Dickey Center. It may take a day

55:16

or two. I also have to announce that at 7:00 PM there's a candlelight vigil on the Dartmouth Green

55:22

and President Sian Beilock will be speaking there. Okay, so let's take some questions.

55:28

- We have four or five questions here. - [Andrew] Oh, alright. Hello, I'm Andrew. So my

question kind of stems from Tuesday,

55:37

but I think it's pretty relevant. - Speak a little louder, closer to the microphone. - Yeah, so I think my question kind of carries over to today as well. Harvard President Gay

55:46

released a statement saying she condemns the terrorist atrocities perpetuated by Hamas. The NBA said, they condemn these acts of terrorism and they stand with the people

55:56

of Israel. President Biden said, the brutality of Hamas brings to mind the worst rampages of

56:03

ISIS. Other institutions aren't shying away from condemning Hamas, but Dartmouth is, Dartmouth said

56:11

the violence and deaths are heartbreaking, but they did not condemn Hamas. On Tuesday,

56:17

some of you echoed this ambiguous language. For example, professors Heschel and El-Ariss said

56:23

they quote condemned violence, but they wouldn't summarily condemn Hamas. I know that every one of

56:29

you would condemn Hamas if I asked you directly, but it's clear what's going on when someone says

56:35

they condemn violence rather than Hamas. Obviously everyone condemns violence. The wording of

56:42

condemning violence clearly obfuscates who you're condemning and attempts to imply and all sides are

56:49

bad narrative downplaying the notion of a single aggressor. When Russia invaded Ukraine, sure there

56:55

were complicated dynamics at play, but nobody was saying they condemned the violence in the region. - Can you please ask the question?

57:02

- Yes. - Could you please let? - So this is very different. So Dartmouth's response was to openly condemn Russia,

57:10

and this is very different from Dartmouth's response to Israel and Palestine. It seems

57:15

like you're trying to strike a moral parody to not make Hamas' actions seem worse than Israel. - If you could ask the question.

57:22

- Excuse me, please let him, what happened to save space? - Here's the question. Sorry. So why don't you just come out and say it. Why don't you say

57:31

you're hesitant to condemn Hamas because you don't want to imply one side is worse than the other?

57:36

- Thank you. Let me, let me, take three, four questions and then we respond.

57:43

- I wanna say we certainly condemn Hamas. It goes without saying. I cannot imagine

57:51

that anyone wouldn't think that of me really. You know, anyone who knows me knows that. And

57:59

I think I've been pretty clear about that. And I think that President Beilock has also been clear

58:04

and the rest of the administration. There's some things that are just so obvious and sometimes it

58:11

should not. If you don't understand that, then I think there is some confusion on your part. So we-

58:24

- We're taking multiple questions at a time. - Hi, sorry. So I'll make this quick sort of, how do you guys see sort of these events playing

58:32

into sort of political support for extremism, especially like in both Israel and Palestine? We've got this rise of sort of the Kahanists like Ben-Gvir and Smotrich in the new Israeli

58:41

government, and how do we see this playing into support for Jewish extremism? How do we play this,

58:47

there may be an election in Palestine in the next few years, hopefully. How do we see this playing into potential support for Hamas? How do we see, you know, Israeli and Palestinian citizens

58:56

feeling about this as they will it drive support for extremism? Sorry, I rambled on. - No, thank you. Excellent question.

59:04

- Going off of that question and then what you were speaking of just now on the question

59:10

of civilians and resistance, somewhere in the thousands of firearms are reportedly

59:17

being distributed to Israeli civilians for what purposes are not explicitly clear,

59:23

but seem implicitly around self-defense or potentially aggression following a summer,

59:31

maybe a year or so of some of the most extreme expansions that the Israeli settlements in the

59:37

West Bank have seen. I think there's room to ask to what extent is arming, does a country arming

59:46

civilians or providing civilians with the ability to function as a militia, if not organized,

59:53

complicate the barrier between, the distinction between civilian and not civilian. And then to

1:00:00

maybe push further on that, if you're talking about a country that is in a position of settler

1:00:06

colonialism, where what is very much at stake in the ethnic cleansing is not a question of just

1:00:12

the military versus the occupied population, but the actual civilian replacement of one population

1:00:19

with another. How does that complicate or change the dynamics of the two civilian populations with

1:00:28

respect to each other? I say this as somebody whose brother lives in the occupied West Bank as an Israeli settler, and it's a very painful thing to think about and talk about.

1:00:36

- Thank you. There are two questions here also, if you can take- - We're taking too many. I mean, I feel like we can.

1:00:43

- Think she's got some Oh, okay. - I, okay. I have a question here. I would love to hear some discussion about Egypt and its role

1:00:56

historically in Gaza, not talking about their role as a potential mediator going forward.

1:01:03

I'm talking about Egypt's role in closing borders, refusing to provide aid, refusing

1:01:09

to assist and welcome Palestinians historically. How that led to the situation in Gaza and what

1:01:20

should be done about Egypt's role and other Arab neighboring states roles going forward.

1:01:27

- Thank you. One last and then we'll. - Hello professors How are you doing? - Yeah.

1:01:32

- My question. All major international human rights organizations, Amnesty International, Human Rights Watch, even Israeli ones like B'Tselem use the term apartheid to describe the

1:01:41

Israeli treatment of Palestinians. But it seems like in a lot of these spaces, apartheid gets kind of dismissed and ignored as though it makes people uncomfortable. I would like to get your

1:01:49

direct thoughts on apartheid and stop skirting around the question. Thank you for your time. - Thank you. Okay. So do you wanna start with the statement issue,

1:01:59

the denunciation or shying away from denouncing?

1:02:06

- None of us are shying away from that. But I'm not sure that we've had so many questions here. I'm not sure which one to deal with.

1:02:15

- It seems to me that this is not a time for us to start picking apart this statement or that statement. It's not even clear to me that university presidents need to issue statements.



1:02:24

What that accomplishes. I think it's a very simple way of being reductionist and really

1:02:30

avoiding the complexity of the situation. That's not what we wanna do as academics. We wanna see

1:02:37

the complexity and not try to reduce it to a sentence or two. So whether or not somebody

1:02:43

formulates a sentence that you like or you don't like, it should have been formulated this way or that way. That's a waste of time right now, in my opinion. There are more important things

1:02:51

for us to be studying, to be thinking about, to be analyzing, to draw out and not reduce.

1:02:57

- Let me see if I can put two questions together and answer you.

1:03:05

- Ramsey. - You're a little distracted at the moment. I'm actually answering you.

1:03:11

Okay. You ask if Israel's an apartheid state. - [Ramsey] What are your thoughts on that? - Okay. I think that if you look at Jerusalem and the settlements, the way they conduct themselves

1:03:24

and the attitudes of the people in Jerusalem and the settlements, what you have is an apartheid

1:03:32

state. But that's not all of Israel. Israel also is a global cosmopolitan, commercially free,

1:03:48

culturally advanced, technologically interesting state in Tel Aviv, Haifa,

1:03:57

the Coast. And that megalopolis going up the coast is as different from Jerusalem as New

1:04:08

York is from rural Mississippi. Okay? And it's very important that you understand that there's

1:04:19

a fight going on in the country for control over the state apparatus by people who have

1:04:25

a very different understanding of what Israel must be. Not greater Israel, but global Israel,

1:04:33

okay? That fight is going on. And that answers your question about this last war and what it's

1:04:42

going to do to the politics of the country. Obviously in the first five days after this

1:04:48

attack, everybody is mobilized for what feels like war. And in the state of war,

1:04:56

the differences between religious Zionists and their dream palace ideas about what the

1:05:02

West Bank is, are all going to be submerged. That those ideas are also all gonna be submerged. The

1:05:07

differences that you have in Tel Aviv to that vision, those differences will be submerged in

1:05:15

a state of mobilization. Once the mobilization ends, I can tell you those differences are going

1:05:21

to resurge. And there's going to have, and there's going to be a tremendous price paid precisely by

1:05:32

the people who helped instigate this. And by the way, many of the soldiers who should have

1:05:39

been on that border were busy suppressing the disturbances among Palestinians to activities

1:05:48

of West Bank settlers. And they should have been there and not patrolling the West Bank.

1:05:53

And people in Tel Aviv know it. There's going to be a price to be paid here. And in my view,

1:06:00

we are never going to have a more clarifying moment than the day after, the day after.

1:06:08

- I want to just remind everyone, we have this room only until 6:30. So let's keep our questions and answers to the point.

1:06:16

- Just on the question of the political consequences, which I think is, it's a great question. Obviously the attack, the Hamas attacks, and then the expected Israeli response,

1:06:30

which is unfolding now, both were mobilized support and kind of harden identities on

1:06:37

both sides. If you think about it, that actually might be one of the strategic

1:06:42

goals of the attacks itself. The severity of the attack, the scale of the attack, the type,

1:06:48

the brutality of it is almost designed to elicit a specific response. And that response is going

1:06:54

to mobilize the Arab world behind, not those who are seeking to find a solution to the conflict,

1:07:01

but those who are actually riding the conflict, specifically Iran, Hezbollah,

1:07:06

Hamas and so on. So we need to, you know, I'm not in the mind of Hamas, but that's the only kind of

1:07:13

sense I can make of that attack. And the question is whether we kind of walk into this path or try

1:07:21

to pull the parties from this path. That's all. And I wanna quickly just because the question

1:07:30

of apartheid and the question of statements and denunciation, there a kind of mirror,

1:07:36

and I wanna ask you a question, frankly, I'm asking not a rhetorical question. As a student,

1:07:42

as a person, what does it matter to you? What I or Bernie think about apartheid?

1:07:50

- [Student] I would like to hear an educated and academic voice on the issue. - Okay, so would you like to hear kind of analysis, what does the question mean,

1:07:59

apartheid, why certain people are pushing it? What are they trying to achieve? Where are they coming

1:08:04

from? Why others feel that this anti-Semitic to point out Israel as, and what are they trying

1:08:10

to do by opposing the question and the politics around this, on campuses and elsewhere? Is this

1:08:16

more interesting to you or what Ezzedine Fisher think about apartheid? It's a serious question.

1:08:22

- [Student] With all respect, I hold your opinion very highly, so I would not mind hearing what you think I respect what you have to say.

1:08:28

- Okay. I think the question is mute. I think the question is entirely political. It's a political operation whether you actually follow Amnesty and Human Rights Watch or you

1:08:40

oppose it. Either way it's a political issue. Is there discrimination in Israel? Yes. Is

1:08:46

the discrimination systematic? Yes. Is there occupation? Yes. Is there suffering? All of

1:08:51

those questions, nobody's contesting that. Do you wanna label it as apartheid? Then, that's

1:08:58

a political question. Why do you wanna label it as apartheid? What are the consequences of that?

1:09:03

- [Student] Apartheid is more than just a label. It has a series of very serious repercussions and implications which would seriously affect how internationally we respond to what's going on.

1:09:12

So it's much more than just a label. It's a much, it's a very serious issue. And I think this entire, you know, forum is for asking the important political questions. That's why

1:09:20

I asked a question. I hope I didn't strike you as an operative or something like that. - No, no, no, it doesn't. No, no, no. I just disagree that the answer to the

1:09:29

question has all those repercussions legally or politically. Why? Because the players,

1:09:36

whether they're states or non-state, are aware of those repercussions, theoretical repercussions, and therefore prevent the question from coming to that.

1:09:46

So the question itself and the answers given to it is part of the political conflict.

1:09:52

- May I just say there's one aspect of this question of apartheid that becomes very

1:09:57

misleading. The apartheid regime in South Africa had, just a moment. It's important to understand

1:10:07

what Israel has become. The apartheid regime in South Africa didn't just institute discriminatory

1:10:15

policies. It was a white settler colonial population that exploited a black indigenous

1:10:25

community for their labor and resources. That has never actually happened in Israel. Israel did not,

1:10:38

the Zionist Movement did not create a settler population that was exploiting an

1:10:44

indigenous population. The damage it did to the Palestinians was precisely that it wanted to be

1:10:50

economically independent of the Palestinian population and created a society that was

1:10:57

independent politically and economically from the Palestinian population. Its damage to the

1:11:04

Palestinian population was in the way that it moved the Palestinian population aside,

1:11:10

that I will certainly want to deal with. But apartheid gives us an image of what Israel is,

1:11:18

which if you don't understand the place and have never been there, you can't possibly understand

1:11:24

how something like Tel Aviv can exist and how the science and technologies and the

1:11:30

companies that exist there without any Arab workers at all exist. So, getting this idea

1:11:39

that somehow this is an apartheid state just feels to me a completely misleading thing.

1:11:44

- Okay we're gonna move on for more questions. All right?

1:11:52

- [Woman] Egypt. Questions on y'all notice? - Yes. - Sorry. - Go ahead. - Okay.

1:11:57

- Ezzedine. - Hi. You talked a lot about how Hamas does not actually represent the Palestinian people,

1:12:04

which is a point I 100% agree with. This is sort of a two part question, but first of all,

1:12:10

do you believe that endorsing an attack by Hamas, which is an explicitly anti-Semitic organization,

1:12:15

is in and of itself in anti-Semitic position? And on that point, do you believe that student

1:12:21

organizations which are affiliated with the Palestinian rights movement should be able to

endorse the Hamas attack in public forums or through mass email, especially when so many

1:12:30

students that they're talking to have lost family members or friends in these attacks?

1:12:37

- Do you wanna collect a few other questions? Any last questions? Yes, please. Here in the front.

1:12:47

- Okay, given the kind of atrocities are happening in Israel and Gaza right now,

1:12:54

what do you think is like most likely fate of Palestinians that is going to happen in future. Do you think it's always like at any time going to subside

1:13:02

or is going to continue as a war forever? What will happen to people who live there?

1:13:11

- Wait, any others? Yes, here.

1:13:16

- [Man] Yeah, I have a question about the hostages. Our hearts all go out for the people that are being held hostage in Gaza. It seems like the Israeli government's stance,

1:13:27

and I might be oversimplifying here, is that give us back the hostages or we're gonna keep

1:13:33

bombing you. And the bombs that are going off are killing and making homeless more and more

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Palestinians. So I guess the question that I have is, it seems like the assumption is that

1:13:46

if they bomb enough and great enough misery that Hamas will give up the hostages. I guess



1:13:53

my question is does Hamas leadership really care how many Palestinians die?

1:14:05

- Sure. - Okay. - Thank you. I wanted to ask a question from you about why it seems that the US

1:14:13

state is pretty ubiquitous in its support ideologically and economically for Israel.

1:14:18

And what are some of the historical and maybe the strategic reasons for this, and how do you recommend that we voice our disagreement if we have it with this support

1:14:28

when this opposes essentially every powerful institution that really shapes our lives.

1:14:35

- [Ezzedine] Thank you. - I've also received a question, a note question, what can the United States do to deescalate the

1:14:43

war now and what can we as students and faculty do to help such a deescalation?

1:14:54

- Would you like to respond to one of the questions, Susannah?

1:15:00

- Yes. Just quickly, we have just a few minutes and I wanted to say that in response to this question and to the question of resistance, there are many forms of resistance and I believe very

1:15:11

strongly that since we are here at a university, we have to think in terms of ideas. Judaism itself

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has been completely reconfigured in the last 30 years or so. We see that in Israel and also

1:15:25

outside Israel, and that's highly problematic to me. And that reconfiguration, redefinition,

1:15:31

which is contrary in many ways, very fundamental ideas and principles of Judaism that's deeply

1:15:38

troubling and we need to answer, we need to also win readers for our ideas and for our opposition

1:15:45

to that. I say that just as a professor of Jewish studies, it's only one aspect, but for

1:15:51

all students and faculty ideas are very powerful. We need to formulate them. We need to take classes

1:15:57

to study. If you want to make a difference and if you want to act in resistance to what is been

1:16:04

developing over these years to the suffering and the misery, then your ideas are important, write,

1:16:11

study, think, analyze, that matters a lot. That's why we exist as a university. In terms

1:16:18

of the deescalation right now, I have a lot of, I have hope even as I have despair and I have rage,

1:16:28

I don't trust the current government in Israel. I certainly don't trust Hamas. I do think there

1:16:33

are a few people right now whom I respect. Jake Sullivan was here as a Montgomery fellow. I met

1:16:39

him and I actually respect him a great deal as a human being. I feel the same way about

the Secretary of State Blinken, who's there now. I do think that we have good people here. I wish that

1:16:50

Reverend Jesse Jackson were in good health because he was able over the years, to rescue hostages in

1:16:57

many circumstances. I think that theologians and religious leaders also have a role to play here

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because we are dealing with very hardened hearts on many sides of this conflict. And having grown

1:17:11

up at the time of the civil rights movement, I do believe that religion, that the bible,

1:17:18

that scripture, whether it's Quran, New Testament, scripture can soften hardened hearts. So those of

1:17:26

you who are interested in becoming clergy or studying religion and becoming theologians,

1:17:32

and I encourage you to take classes in the religion department here, religion can also

1:17:37

be a very powerful tool. It's not just about secretaries of state and defense people. We all,

1:17:44

in addition, can write to the White House, can write to the Congress, and we can also express our voices and our newspapers and journals that also need to hear from us and our support.

1:17:55

- Right. I'm gonna pick one easy question for you, and that's the question of student

1:18:02

associations and freedom of expression and support for terrorism. How do you?

1:18:09

- I would follow up on something that Susannah is saying here, which I think is,

1:18:15

no, this is connected which I think is absolutely crucial, is that I remember what it was like being

1:18:21

a college student and I remember feeling this kind of, you know, becoming an adult and learning about yourself and how do you, and feeling a sense of kind of, you know, perhaps

1:18:31

insignificance or unimportance or inability to really make a difference, right? But you make a

1:18:36

difference by impacting the people around you, by the influence you have through your daily actions,

1:18:43

through the things that you write, through the interactions that you have through the engagement. You have a platform as being a Dartmouth student. You are a lifelong Dartmouth student or citizen of

1:18:54

Dartmouth. You have the ability to go now and on to have your voice heard if you choose to do that

1:19:02

in media, in writing in variety of different forms and in all kinds of other different,

1:19:09

you know, contexts. And so seize that opportunity. Recognize the position and the opportunity that

1:19:17

you have and move forward to have your voice heard and think of it not as something that,

1:19:22

you know, there's a quick fix or a quick response. That it's a life-long endeavor to

1:19:27

have your voice heard and influencing people and impacting them and connecting and being

1:19:33

influenced and impacted is a day in, day out on a weekly, monthly, yearly basis. I think

1:19:41

about these things all the time and, you know, I hope I have many more years to go, but I really,

1:19:47

I really feel passionately about having your voice heard in the many different opportunities

1:19:57

and ways on a day in, day out basis. And having faith that that is a way to influence and impact

1:20:05

not just the people around you, not just only to leave a legacy, but to change the world.

1:20:10

- Thank you. - I think I'm gonna have my voice heard in a moment. - Just a moment. - I picked one question for you.

1:20:16

- Because there are two that haven't even been addressed. - I know one is about how the fact that it's a settler colonial,

1:20:24

how does this complicate the question of terrorism? It's an important question. - Well I feel like honestly, Ezzedine, I feel like I've tried to deal with that. I

1:20:32

want to deal with the question of American policy. - It's great, it's great to moderate academic.

1:20:38

- Because. - Or monitor them either. - [Susannah] We have seven minutes left to this room. Seven minutes we have to leave the room.

1:20:46

- I can see the clock right over here, but I feel like there are two questions that were raised here

1:20:54

have been completely ignored. One is about whether Israel believes that by bombing Gaza it'll get

1:21:03

the hostages released and one is about American foreign policy. Okay. Obviously in seven minutes,

1:21:12

I'm not going to have much to say. I do want to however respond, I don't think

1:21:19

it's Israel's strategy to bomb Hamas in order to get the hostages returned. I don't believe,

1:21:27

I think right now there's a rather, I would say almost callous sense that there's a bigger

1:21:35

strategic problem Israel has and it's got to deal with that. And in the same way that it's putting

1:21:42

its own soldiers in harm's way, the hostages may wind up being victims of that larger strategic

1:21:50

problem. About America, I will only say that there was a moment, there was a moment when

1:21:59

American foreign policy somehow pivoted to thinking of Israel as a strategic asset in

1:22:07

the Middle East. I think that continues at some level. But I think America has also understood

1:22:16

that to the extent that the Middle East blows up, that its own interests can be compromised

1:22:25

and Israel is for America for quite a while now both this strategic asset on the one hand and

1:22:35

also this problem child that needs to be somehow educated to some larger regional opportunity,

1:22:45

which I think is now the default position of the American government. That the real opportunity is

1:22:51

to follow what the Abraham Accord started, which is the integration of Israel into the region

1:22:59

and to try to solve the problem of Palestine from the outside in rather than inside out.

1:23:05

- All right. So I will answer the question that my colleagues wisely avoided, which is about student

1:23:15

advocacy. And I'm not our arbiter of what should be banned and what should be allowed, but I will

1:23:22

address both Arab and Jewish students and remind you two things. One is advocating for your rights,

1:23:33

for the rights of the people you care deeply about doesn't have to be incitement against the other

1:23:42

group. It really doesn't. There is no connection between the two. And the second thing is,

1:23:48

here at Dartmouth, one of the things that made me stay, I was here only for a year, is that I

1:23:54

found this is one of the only very few campuses in the United States where you can actually talk

1:24:01

about these issues and reach out across, you know, the divide. Ruining that because one wants to be

1:24:10

righteous and wants to be or feel angry is really unwise and unworthy. We're all students here,

1:24:18

we're not fighting each other. People are fighting back there, we're supporting them. There is

1:24:24

absolutely no point in bringing the fight here. So keep this in mind. Even if it's your legal right

1:24:30

to do something, it is not always the decent thing to do. And when you have an ongoing grievance,

1:24:37

especially like the Palestinians who live under occupation their entire lives and their parents

1:24:42

have been suffering, it's an ongoing grievance. But when can actually be sufficiently sensitive

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when there is a catastrophe that is hitting the other group. Maybe it's not the right time



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to remind the other group of that grievance and that's, you know, haven't you done that,

1:25:01

maybe you would be and so on. This is a disaster that happened and we have to be sensitive about

1:25:08

it. And sadly there is another disaster that is happening now and it's gonna unfold in the coming

1:25:15

days. And I expect also the other students to be sensitive about that. So I'm just reminding you

1:25:22

of those things. You can throw what I say, you know, somewhere, and I'm sure a lot of you might

1:25:28

do be tempted, but you might also want to consider that just for a minute or two and I'll stop here.

1:25:40

- Thank you very much.

1:25:46

- Thank you all for coming. - I wanna thank you all for coming. We will have future gatherings and I look forward to seeing you there.

# Aftershock of the Pac-12 dissolution

Thursday, December 14, 2023



After USC and UCLA said they would depart the Pac-12 conference - with the latter setting off a brouhaha at the Regents - other teams left, SFGATE reports that layoffs are resulting, even as there are legal fights over management and assets of the dissolving conference:

*The knocking-at-death's-door Pac-12 Conference is officially bringing an end to perhaps the biggest failure in sports broadcasting history: the Pac-12 Networks.*

*According to documents filed with labor officials, the conference plans to lay off 141 employees from its San Ramon office on a periodic basis starting on Jan. 5, nearly a year after the Pac-12 production center moved to that office from San Francisco. The layoffs will continue through June 28 — just before the end of the academic year and the conference's media rights deal — and include broadcast engineers, numerous directors, an on-air host and senior producer, and multiple senior-level roles...*

Full story at <https://www.sfgate.com/collegesports/article/pac-12-death-date-networks-layoffs-san-ramon-18554440.php>.

# UCLA History: Music Makers, 1937

Friday, December 15, 2023



Caption: Ira Gershwin (left) and George Gershwin (right) sit on a sundeck with UCLA students at George's home. The songwriting duo had just donated their song "Strike up the band" to UCLA. The students include Kay Dodge, Vera Nell Gilmer, Catherine Cockrell, Georgette Foster, Dorothy Oswald, Grace Wolfskill, and Alice Waldron.

Source: <https://calisphere.org/item/ark:/21198/zz00000937/>.

The song:

Or direct to [https://www.youtube.com/watch?v=\\_wcMp0ywESY](https://www.youtube.com/watch?v=_wcMp0ywESY).

# Regents vs. Senate

Friday, December 15, 2023



Forbes has piece about various Regents upset with the Academic Senate's resistance to completely online degree programs:

In October, Michael V. Drake, President of the University of California (UC) system, told the Academic Council of the Academic Senate that members of the Board of Regents opposed a policy the Senate adopted earlier this year. According to the minutes of that meeting and those in attendance, Drake reminded Senators that, “while the Regents have delegated various decision-making authorities to the president, Senate, and other parties, the Regents still possess ultimate decision-making authority.” He then told the faculty leaders that, “unless the Senate finds a way to address Regents’ concerns in this regard, they may revoke the Senate’s authority.”

Whether that was a threat or a warning may depend on which side of the table you’re on. Even if it was only a warning, Drake’s message and the stance of some Regents was a serious, consequential, and confrontational escalation – casting a shadow on the accepted and settled arrangement that those who do the teaching are the academic experts. Even more seriously, it threatens the spirit of shared governance that guides one of the country’s largest and most respected public university systems.

The policy that angered some of the Regents and triggered the “revoke the Senate’s authority” statement is known as the “campus experience requirement.” Approved by the Senate in February, it mandates that undergraduate degree-seeking students in the California system complete at least some of their coursework on a campus – just 10% of coursework for 4-year students and 20% for students who transfer. Though majors and graduate programs could still be entirely online, and professors or programs could request a waiver from the systemwide Senate, the policy essentially closed off the potential for fully online degrees in the University of California system.

...The Senate has many good reasons to go slow on fully online degrees. One is that, despite what anyone tells you, the science and research on online college programs is not settled. In fact, there’s plenty of evidence to support the idea that delivering education material online is detrimental to some students, perhaps even most students. In debate over the proposal, faculty acknowledged that online degrees could expand access to the

system. But they also raised concerns about creating a two-tier degree scheme in which one group of students could access valuable on-campus resources, networks, social activities, and support programs and another group couldn't. According to the minutes of the debate, faculty were also worried that "online degrees could affect the quality of the educational experience and could marginalize students."

And though it was not referenced directly, reputational quality was probably a consideration too...

Still, at least a few California Regents are heavily on the access and profit side of the ledger enough to threaten to override their own teachers and upend the principle of shared governance. The President's Office declined to make any Regents available for comment on this issue. And although she did not respond to several direct requests to be interviewed, or accept opportunities to comment, system insiders say Regent Maria Aguilano is one of the leading advocates for online degrees and one of the Regents who was very likely "concerned" about the February policy.

Aguilano is the Executive Vice President of ASU Learning Enterprise. The ASU is Arizona State University, which has been a vocal advocate for digital and online programs for years. ASU has one of the largest online enrollments in the country and at one point had projected to make as much as \$500 million a year from its online programs by 2025...

Lark Park, another Regent, is also supportive of opening California's public universities to fully online learning. Like Aguilano, Park did not respond to interview requests or offers to provide a statement. Park is the Director of the state-funded Cal Ed Learning Lab, which she has described as being born from a conversation about online learning and has written in support of expanding digital and Internet-based programs. Also in October, Park contributed to an advocacy paper titled "Reimagining Online Education in California." The paper called out the University's ban on online degrees directly, saying, "despite the rising demand and use of online education ... stakeholders continue to raise concerns about this mode of learning in California. Examples include the University of California's (UC) ban of fully online degrees." The paper then asked, "Why is there such reluctance to engage in and friction about a high-demand avenue" of online education?

...President Drake's office confirmed that his message about revocation was not universal, that it applied only to the decision regarding online degrees. That may be reassuring, but it also may not matter. Once Regents start picking and choosing the academic policies they want to set themselves, governance isn't exactly shared. It's conditional. At best...

Full story at <https://www.forbes.com/sites/dereknewton/2023/12/14/university-of-california-president-regents-may-revoke-faculty-senates-authority-over-online-degree-policy/>.

Note that the Regents, simply by letting it be known that they want something, can bend the Academic Senate in their direction. The dropping of the SAT as an element of UC admissions is an example. The original Senate review pointed to the actual use of the SAT at UC, noting that - as used - it enhanced the diversity the Regents said they wanted. When it became clear that the Regents didn't want to hear that message, a compromise was offered by the Academic Council chair that deviated from the Senate's official review. You can hear her compromise proposal at:

<https://archive.org/details/regents-board-morning-5-21-20/Regents-Board+Afternoon-5-21-20.mp3> [Her compromise starts at about 1:30:38]

The compromise she offered was also rejected by the Regents.

With regard to the online issue, it might be noted that, as stated by then-Academic Council Chair Horwitz, UC faculty had a great deal of experience with online instruction thanks to the pandemic. See his remarks to the Regents below:

Or direct to <https://www.youtube.com/watch?v=vzBbeahfUbo>.

The issue, of course, pre-dates the pandemic. Here is then-Academic Council Chair Powell in 2013:

Or direct to <https://www.youtube.com/watch?v=S1fkp7Wuvvk>.

In 2020, despite a protest from then-Academic Council Chair Bhavnani, the Regents adopted a policy regarding chancellor selection without consultation with the Senate. So, the tension between the Senate and at least some Regents has been growing, apart from the online issue:

Or direct to <https://www.youtube.com/watch?v=9bbsF9WaPx8>.

# DACA Pressure

Saturday, December 16, 2023



The delayed regental review of the proposal to allow UC to hire undocumented students is under added pressure from the possibility that DACA employees of UC (who do have work permits) may lose their right to work legally. From EdSource:

*... DACA offers temporary protection from deportation and permission to work for about 579,000 young people who were brought to the U.S. as children and graduated from high school, completed a GED or are veterans of the U.S. military. Every two years, recipients must apply for renewal. But the program could end at any time. It was found to be illegal by a federal judge in Texas, and that case will likely end up in the Supreme Court...University of California estimates it has more than 400 employee recipients, some of them students...*

*The program, launched during the Obama administration, has long been associated with high school and college students, but most recipients are now working adults. The U.S. Citizenship and Immigration Services has not accepted new applications since 2017, making the youngest DACA recipients currently 21 years old, and the oldest, now 42.*

*...University of California officials are currently examining ways to support employees if the temporary deportation protections are terminated, according to UC Office of the President spokesperson Stett Holbrook. He added that the UC Immigrant Legal Services Center offered immigration consultation workshops for recipient employees last summer, "many of which identified eligibility for employment, family or humanitarian relief."*

*"The University of California has a long record of support for DACA recipients, and we will continue to support our students, staff and faculty regardless of their immigration status," Holbrook said.*

*The University of California is also currently considering a proposal to allow the university to hire students who do not have work permits under DACA. A coalition of immigrant students and allies, including legal scholars at UCLA and elsewhere, have argued that a federal law barring the hiring of immigrants living in the country without permission doesn't apply to state entities...*

Full story at <https://edsource.org/2023/faculty-staff-urge-california-colleges-to-make-backup-plans-in-case-daca-ends/702129>.

## Student-Worker Strike Repercussions - Part 25 (still 2000)

Saturday, December 16, 2023



Some student-workers who were covered by the agreement reached between UC and the UAW still contend they are being underpaid relative to contractual obligations.

From Nature 12-14-23:

*About 2,000 UC graduate student workers say that they are still not being paid what was agreed upon...*

*"We take all allegations of incorrect pay seriously and have historically worked diligently with the UAW on resolving any compensation issues as they may arise," says Stett Holbrook, a UC spokesperson, adding that the university system can't make further comments on matters in arbitration.*

*The new contract for graduate students who conduct research states that the lowest annual wage for students who work 20 hours a week — considered 50% of a full-time working week — is US\$32,495 for this academic year. This base wage is up from the \$22,000 specified before the strike.*

*Some UC graduate students, however, say that their departments have been appointing researchers to positions with fewer working hours, so that they can pay them less. That's despite the general expectation that these students devote at least 20 hours a week to research and teaching. Goldberg, for example, has a 41.74% appointment (roughly 16.7 hours a week). "They set these appointment percentages completely arbitrarily just to pay us whatever they want," he says. The reduced appointment means that Goldberg receives about \$8,000 less per year than he would with a 50% assignment.*

*"The University disagrees with these allegations, and the parties are working together to resolve the matter," Holbrook says...*

Full story at <https://www.nature.com/articles/d41586-023-03873-y>.



# That Congressional Hearing

Sunday, December 17, 2023



The Daily, a podcast and broadcast of the NY Times, carried an analysis of what happened at the Congressional hearing on campus antisemitism which featured the testimony of the presidents of Harvard, MIT, and the U of Pennsylvania. As readers will know, the Penn president soon afterwards lost her job. The other two received support from their respective boards.

You can hear the analysis at:

<https://ia601406.us.archive.org/35/items/a-laugh-a-tear-a-mitzvah/The%20Daily%20on%20Antisemitism%20Congressional%20Hearing%2012-13-2023.mp4>.

Alternatively, the transcript is below:

## **Antisemitism and Free Speech Collide on Campuses**

*The story behind a congressional hearing that ended the career of one university president and jeopardized the jobs of two others.*

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MICHAEL BARBARO

From “The New York Times,” I’m Michael Barbaro. This is “The Daily.”

Today, the story behind a congressional hearing that ended the career of one university president, jeopardized the jobs of two others, and kicked off an emotional debate about anti-Semitism and free speech on college campuses. I speak with my colleague, Nick Confessore.

It’s Wednesday, December 13.

Nick, thank you for coming on here.

NICK CONFESSORE

It’s good to be here, Michael.

MICHAEL BARBARO

I want you to give us the backstory that brings us to this now-infamous congressional hearing last week featuring several of the country's top college presidents and to the uproar that this hearing ultimately ends up triggering. Where does that story start?

NICK CONFESSORE

It begins in the aftermath of the October 7 attacks, when around the country, campuses begin to be roiled by protests about the attacks, the aftermath of the attacks, the Israeli response.

ARCHIVED RECORDING 1

From the river to the sea! From the river to the sea!

NICK CONFESSORE

You had students chanting, "From the river to the sea, Palestine will be free," which, for some of the protesters, were meant as more generic statements of Palestinian freedom, but for many Jews, sound like calls for ethnic cleansing of Jews from Israel.

MICHAEL BARBARO

Because between the Jordan River and the Mediterranean Sea is Israel in its current borders.

NICK CONFESSORE

Correct.

ARCHIVED RECORDING 2

Intifada! Intifada!

ARCHIVED RECORDING 3

Long live the Intifada!

NICK CONFESSORE

You had chants, "Intifada, Intifada. Long live the Intifada," which is a word that means "uprising," but which, to many people, especially people of a certain age, sounds like an endorsement of the violent tactics of the Second Intifada suicide attacks.

ARCHIVED RECORDING 4

The glorious October 7.

ARCHIVED RECORDING 5

Yes!

NICK CONFESSORE

And at least some of these events —

ARCHIVED RECORDING 6

I remember feeling so empowered that victory was near and so tangible!

NICK CONFESSORE

— you could hear speakers who were praising the attacks of October 7 —

ARCHIVED RECORDING 7

It was exhilarating! It was exhilarating! It was energizing!

NICK CONFESSORE

— endorsing them, celebrating them. And there was one vivid example at UCLA, where students battered a pinata of Benjamin Netanyahu, the prime minister of Israel, while a woman chanted —

ARCHIVED RECORDING 8

Beat that Jew!

NICK CONFESSORE

—“beat that Jew.” A lot of those moments were seen by millions of people who wouldn’t otherwise tune in to what’s happening on these campuses. And for Jews on these campuses, these videos and images often made them feel unsafe, even if they weren’t intended that way by the students.

On top of that, donors and alumni are seeing them. They’re getting really, really upset. And they start making calls, and they start to write emails.

MICHAEL BARBARO

Right. And those calls and those emails basically say what?

NICK CONFESSORE

Almost from the beginning, you were hearing from donors and alumni who felt that the response of these college presidents was not forceful enough. They wanted a real intervention. They wanted powerful statements that the behavior they were seeing on these videos was not OK, was not accepted at these institutions.

And so against that backdrop, Republicans in the House of Representatives decide that they’re going to do something about it. They’re going to hold a hearing on campus anti-Semitism. And they invite the presidents of three universities, Elizabeth Magill from the University of Pennsylvania, Claudine Gay from Harvard, and Sally Kornbluth from MIT.

MICHAEL BARBARO

And why did the Republicans invite these three university presidents, of all the university presidents in the country?

NICK CONFESSORE

It's not entirely clear why they picked these three schools.

MICHAEL BARBARO

Mm-hmm.

NICK CONFESSORE

In fact, there have been incidents like this at lower-profile schools all around the country. But what they all have in common is that they are high-profile institutions. They are considered the elite of academia. And making it about them makes it a really big story.

MICHAEL BARBARO

Right. And heading into this hearing, what exactly were these congressional Republicans up to? What are their aims for getting these three prestigious college presidents before them?

NICK CONFESSORE

Well, if you pull back a little bit, think how, over the last couple of years, Republicans and conservatives have tried to make the case that there is something seriously wrong in academia and that they need to do something about it. And for many months this year, this was at the center of the Republican primary for president.

MICHAEL BARBARO

Right.

NICK CONFESSORE

Attacks on, quote unquote, "wokeism," attacks on critical race theory, an overemphasis on race and oppression. And in their minds and in their argument, those ideas are at the heart of what we saw on those campuses, and they saw an opportunity to make that case and make that point to the American public, after a few months in which it seemed that a lot of voters in particular had stopped tuning in to those arguments.

MICHAEL BARBARO

So they're going to try to make a direct link between this liberal culture on college campuses, which they've been denouncing, and this anti-Israeli rhetoric they're seeing on campuses. They're going to suggest that those two things are inextricably bound up together.

NICK CONFESSORE

Yes.

MICHAEL BARBARO

So how does the hearing actually start?

ARCHIVED RECORDING (Virginia Foxx)

Good morning. The Committee on Education and Workforce will come to order.

NICK CONFESSORE

So the way it begins, and the part you didn't see on the newscasts that night, was each of the college presidents —

ARCHIVED RECORDING (Claudine Gay)

We at Harvard reject anti-Semitism and denounce any trace of it on our campus or within our community.

NICK CONFESSORE

— forcefully denouncing anti-Semitism —

ARCHIVED RECORDING (Elizabeth Magill)

Let me reiterate my and Penn's unyielding commitment to combating it.

NICK CONFESSORE

— saying that this kind of rhetoric is hurtful.

ARCHIVED RECORDING (Claudine Gay)

We have increased security measures, expanded reporting channels, and augmented counseling, mental health, and support services.

NICK CONFESSORE

Here are the steps we are taking to combat anti-Semitism on our campuses.

ARCHIVED RECORDING (Sally Kornbluth)

I must, at the same time ensure that we protect speech and viewpoint diversity for everyone

NICK CONFESSORE

But we also have to protect free speech on campus and allow people to say things, even when we find them objectionable.

ARCHIVED RECORDING (Elizabeth Magill)

We need both safety and free expression for universities and, ultimately, democracy to thrive.

NICK CONFESSORE

And they were trying to set up this idea that people are going to say things you don't agree with, even terrible things you don't agree with, and the values of our university can be thought of as separate from the speech that we allow as an academic institution.

MICHAEL BARBARO

And they seem to want to distinguish between free speech and harassment. I watched the hearing. They're trying to say some free speech is just free speech. Sometimes it's harassment, but that's a really important distinction.

ARCHIVED RECORDING (Claudine Gay)

That speech that incites violence is unacceptable.

NICK CONFESSORE

Yes, what they're trying to say is, when do we take action against a student as an institution for something they say? Well, it has to cross a certain threshold. It has to be pervasive. It has to be harassment.

MICHAEL BARBARO

Right.

NICK CONFESSORE

They were saying what is actually true under the law. They were expressing how things should work on these campuses. And the problem for these presidents is that that is not how it actually works on these campuses, and that is where the Republicans went next.

MICHAEL BARBARO

OK, explain that.

ARCHIVED RECORDING (Virginia Foxx)

I now recognize Mr. Banks.

NICK CONFESSORE

So if you focus on Penn for a second, we saw, in the questioning, people like Congressman Jim Banks —

ARCHIVED RECORDING (Jim Banks)

And for the past year, your administration has sought to punish Amy Wax.

NICK CONFESSORE

— begin to float examples of conservative speakers who had been heckled or shut down or disfavored in some way on some of these college campuses. He talked about how the university is currently trying to sanction Amy Wax, a law professor —

ARCHIVED RECORDING (Jim Banks)

— her stance on DEI and identity issues.

NICK CONFESSORE

— for comments she made about the performance of Black students in her classes.

ARCHIVED RECORDING (Jim Banks)

And then, you canceled an event with former ICE director, Tom Homan, due to disruptive —

NICK CONFESSORE

And he said, a few years ago, a Trump administration immigration official tried to come speak at Penn, and students there basically shut down the speech, because they felt that he was bringing anti-immigration and nativist rhetoric to campus. On the other hand, there are examples where Penn seemed to act less decisively.

ARCHIVED RECORDING (Jim Banks)

— Penn hosted a Palestine rights literature festival.

NICK CONFESSORE

For example, this fall, before the October 7 attacks, Penn played host to a Palestinian literary festival where speakers included —

ARCHIVED RECORDING (Jim Banks)

— Roger Waters —

NICK CONFESSORE

— Roger Waters, who's the former Pink Floyd frontman.

ARCHIVED RECORDING (Jim Banks)

— the same Roger Waters, by the way, who's publicly used anti-Jewish slurs and has dressed up as a Nazi and floated a pig balloon with a Star of David at most — at many of his concerts.

NICK CONFESSORE

And in fact, Penn did issue a statement saying, we find some of the rhetoric

objectionable. It's not consistent with our values. But they're allowed to have this event. So I think in the eyes of Republicans, one event is allowed to go ahead, and the other is essentially canceled. And so they see that these standards are not really being applied evenly.

MICHAEL BARBARO

And the way that they're not being applied evenly, according to this Republican congressman, is that when Republican speakers, conservative-minded guests, are coming to campus, there's a willingness to shut things down, to quiet it, when it's more liberal-minded speakers, like this pro-Palestinian speaker, greater allowances are made.

NICK CONFESSORE

That's right.

MICHAEL BARBARO

That's what the Republicans are claiming.

NICK CONFESSORE

And here's why this moment is so powerful, Michael. There just aren't that many conservatives on these campuses anymore. The student bodies tend to be pretty liberal, and the professors tend to be very liberal in terms of their distribution of political affiliation.

MICHAEL BARBARO

Mm-hmm.

NICK CONFESSORE

It's mostly Democrats and liberals, not Republicans and conservatives. So when speech happens that annoys conservatives on these campuses, there aren't protests. There aren't real efforts to shut them down.

MICHAEL BARBARO

Right.

NICK CONFESSORE

But there are a lot of Jewish people on these campuses. And one of the things that made this moment so powerful and important, and useful politically on the Republican side, was that they could really put the shoe on the other foot in a way that would appeal to an audience much broader than liberals who care on principle about free speech.

MICHAEL BARBARO

Mm-hmm.

NICK CONFESSORE



They could expand the audience of people who might say there is something wrong at these places, because they had examples here that weren't about a conservative from an unpopular administration who wasn't allowed to talk about policy there. They have harmful rhetoric towards Jews on elite college campuses.

ARCHIVED RECORDING (Virginia Foxx)

Mr. Grothman you're recognized for five minutes.

ARCHIVED RECORDING (Glenn Grothman)

Thank you.

NICK CONFESSORE

And there was one very interesting moment when a congressman named Glenn Grothman jumped in. And he talked about this issue of ideological diversity on these campuses.

MICHAEL BARBARO

Or lack of it.

NICK CONFESSORE

Or lack of it.

ARCHIVED RECORDING (Glenn Grothman)

In 2016, they found about 2 percent —

NICK CONFESSORE

And he said, look, in 2016, there's one survey that said that only about 2 percent of the faculty at Harvard had a positive view of President Trump. And he asked —

ARCHIVED RECORDING (Glenn Grothman)

Does it concern you at all that you apparently have a lack of ideological diversity at Harvard?

NICK CONFESSORE

How can you really have true diversity of ideas and thought on a campus where almost everybody hates President Trump?

MICHAEL BARBARO

Right, the man who, based on the math, was elected president in 2016. Basically, he's saying, your campuses are deeply out of sync with the rest of the country.

NICK CONFESSORE

If half the country voted for this guy, give or take, but only 2 percent of your faculty has a favorable impression of him, what does that say about how Harvard reflects the perspectives of America as a whole?

MICHAEL BARBARO

Mm-hmm.

NICK CONFESSORE

And could it be that that lack of ideological diversity is part of the problem we see here today, with these protests on campus?

MICHAEL BARBARO

So Republicans were trying to make the case that these liberal-minded universities have, in their minds, an anti-Semitism problem. They're doing it in a few ways. One of them is saying that these schools do know how to clamp down on speech that their students and their faculty don't like — right-wing speech — because they've done it, which, in a sense, these Republicans say, make these universities kind of hypocritical when it comes to speech that is upsetting to Jews. Another point these Republicans are making is that anti-Semitism might be the logical outcome, they claim, of having a liberal monoculture that permeates these schools without any kind check or balance from Republicans and conservatives.

NICK CONFESSORE

Correct. And then, we come to this pivotal moment.

ARCHIVED RECORDING 9

Madam Chair, I'd like to yield the balance of my time to the gentlewoman from New York.

NICK CONFESSORE

Elise Stefanik, a congresswoman from New York — and a Harvard alumna herself, by the way — asks a question that is designed to highlight what the Republicans on the panel see as the hypocrisy of these policies on campus. She asks —

ARCHIVED RECORDING (Elise Stefanik)

Does calling for the genocide of Jews violate MIT's —

NICK CONFESSORE

Is it OK for a student to call for the genocide of Jews at your institutions?

MICHAEL BARBARO

Is a call for the genocide of Jews protected speech on your campus?

NICK CONFESSORE

And that produced the moment that I would say this hearing was designed to produce. A moment where —

ARCHIVED RECORDING (Claudine Gay)

Calling for the genocide of Jews is anti-Semitic.

ARCHIVED RECORDING (Elise Stefanik)

So yes?

ARCHIVED RECORDING (Claudine Gay)

And that is anti-Semitic speech, and as I have said —

ARCHIVED RECORDING (Elise Stefanik)

And it's a yes?

ARCHIVED RECORDING (Claudine Gay)

— when speech crosses into conduct —

ARCHIVED RECORDING (Elise Stefanik)

And it's a yes? I've asked the witnesses —

ARCHIVED RECORDING (Claudine Gay)

— when speech crosses into conduct, we take action.

ARCHIVED RECORDING (Elise Stefanik)

So is that a yes? Is that a yes? The witness hasn't answered. Madam Chair, is that a yes? You cannot answer the question.

NICK CONFESSORE

These three credentialed, elite academics, the heads of some of these great institutions of American academic life, were wishy-washy and couldn't get out the words, "calling for genocide is bad." And there was this really incredible exchange —

ARCHIVED RECORDING (Elise Stefanik)

Ms. Magill, at Penn —

NICK CONFESSORE

— between Stefanik and the president of the University of Pennsylvania.

ARCHIVED RECORDING (Elise Stefanik)

— rules or code of conduct. Yes or no?

ARCHIVED RECORDING (Elizabeth Magill)

If the speech turns into conduct, it can be harassment. Yes.

ARCHIVED RECORDING (Elise Stefanik)

I am asking —

NICK CONFESSORE

Where Stefanik kept saying, does calling for the genocide of Jews — killing them all because of their Jews, in other words — does that constitute bullying or harassment?

MICHAEL BARBARO

Right.

ARCHIVED RECORDING (Elizabeth Magill)

If it is directed and severe or pervasive, it is harassment.

ARCHIVED RECORDING (Elise Stefanik)

So the answer is yes?

ARCHIVED RECORDING (Elizabeth Magill)

It is a context-dependent decision, Congresswoman.

NICK CONFESSORE

And Magill kept replying with this kind of bureaucratic language. It's context-dependent.

ARCHIVED RECORDING (Elise Stefanik)

This is the easiest question to answer yes, Ms. Magill.

NICK CONFESSORE

If you're talking about this in the context of, how do you govern and regulate speech on campus, that might be an appropriate answer. But at this moment, what the hearing was about was, is it OK to call for the genocide of Jews at Harvard.

MICHAEL BARBARO

Right.

ARCHIVED RECORDING (Elise Stefanik)

So is your testimony that you will not answer yes?

ARCHIVED RECORDING (Elizabeth Magill)

If it — if the —

ARCHIVED RECORDING (Elise Stefanik)

Yes or no?

ARCHIVED RECORDING (Elizabeth Magill)

If the speech becomes conduct, it can be harassment. Yes.

MICHAEL BARBARO

She doesn't seem to appreciate — and in fact, all three didn't seem to appreciate in that moment that they were being asked a moral question. Instead, they are interpreting it entirely as a legal question. And the gap between the two becomes very clear in the answer.

NICK CONFESSORE

Or that they were being asked a legal question that could be cast as a moral answer. And that was what made this moment so damaging for them.

MICHAEL BARBARO

And what do people take from these answers once the hearing is over and they start spreading across the internet?

NICK CONFESSORE

The calls for these leaders to resign after these answers grew very, very intense. And more and more people online, more and more donors and alumni were saying, if you can't give a straightforward answer to this question, you should not be the president of Harvard or MIT or the University of Pennsylvania. You don't deserve that job. You're the wrong person.

MICHAEL BARBARO

So Nick, what happens to these three college presidents from Penn, MIT, and Harvard after this hearing amid all these calls to step down?

NICK CONFESSORE

The fallout comes very swiftly. Within a few days, 70 members of Congress are calling for all three presidents to resign. And in some ways, the most pressure is on Liz Magill, the president of UPenn, where the donors and the school's board members are the most outspoken and active at this moment, and because her response was the most viral of the videos that came out of the hearing. And she responds in part with a recorded video of her own.

ARCHIVED RECORDING (Elizabeth Magill)

There was a moment during yesterday's congressional hearing on anti-Semitism —

NICK CONFESSORE

An apology video.

ARCHIVED RECORDING (Elizabeth Magill)

— when I was asked if a call for the genocide of Jewish people on our campus would violate our policies.

NICK CONFESSORE

She talks about, essentially, being too legalistic and not speaking clearly enough on this important question of whether genocide is OK.

ARCHIVED RECORDING (Elizabeth Magill)

It's evil, plain and simple.

MICHAEL BARBARO

Right. She basically says, I screwed up during that hearing.

NICK CONFESSORE

In her video, you get the sense that she understands her job is on the line.

ARCHIVED RECORDING (Elizabeth Magill)

Penn must initiate a serious and careful look at our policies, and Provost Jackson and I will immediately convene a process to do so. Thank you.

NICK CONFESSORE

And it is. Because behind the scenes, donors and board members at the University of Pennsylvania are rallying and organizing and trying to force her out. And within a few days, they succeed, and Liz Magill resigns.

MICHAEL BARBARO

And what about the presidents of MIT and Harvard?

NICK CONFESSORE

Well, they are under similar pressure. There are calls for them to resign, too. And here, I think, is where Republicans, including Elise Stefanik, make a mistake. She tweets, "one down, two to go."

Then, you begin to understand that this is, in fact, a bit of political theater, that it has a political purpose. And it forced the people in these institutions who actually have the authority to make this decision, who actually pick the presidents of these schools, to

decide whose interests would really be served if they forced out the leaders of their institutions. And what happens in the ensuing days is, the board of MIT says, Sally Kornbluh has our confidence.

MICHAEL BARBARO

We're not getting rid of her.

NICK CONFESSORE

We're not getting rid of her. And not long after, the board at Harvard comes to the same kind of decision, and they say that the events of recent days have not shaken their confidence that Claudine Gay is the right person to lead Harvard.

MICHAEL BARBARO

So in a way, these house Republicans — typified, it seems, by Congresswoman Stefanik, who, Nick, you've written about a lot for "The Times"— they kind of overplayed their hands and revealed that what they're up to here is a lot more complicated, as you've hinted at, than getting to the bottom of whether there's an anti-Semitism problem on college campuses or a free-speech problem on college campuses.

NICK CONFESSORE

That's right, Michael. I think there are multiple agendas at work here. First of all, let's remind listeners, Elise Stefanik is not only a Harvard grad, but she sat on the board of their prestigious Institute of Politics until the 2020 election. And after the election, she made so many false statements about the election results in the service of trying to help Donald Trump overturn the election, that there was a petition calling for her ouster from the board.

MICHAEL BARBARO

I remember this now.

NICK CONFESSORE

And she was pushed off of the board of an institution she had once loved and been groomed for her political career.

MICHAEL BARBARO

So she's pushed out of a position she loved at Harvard, basically because she lied about the 2020 election.

NICK CONFESSORE

Exactly. And when she was pushed out, she put out this defiant statement saying that Harvard had decided to, quote, "cave to the woke Left," and that she would wear being kicked off the board as a, quote, "badge of honor." And you begin to sense that there is more at play here than just this rhetoric about openness and dialogue.

MICHAEL BARBARO

Right. Her motivations here, especially in going after a place like Harvard, that, in her mind, has done her wrong — they're messy.

NICK CONFESSORE

That's right. And I think Stefanik is also an example of a broader problem that Republicans have been wrestling with in their coalition, which is anti-Semitic and nativist ideas among some of their supporters.

MICHAEL BARBARO

OK, explain that.

NICK CONFESSORE

In recent years, what was once a fringe ideology of the very far right, something called great replacement theory, has crept into the Republican mainstream. And the most extreme version of this theory is that there is a conspiracy of global elites to turn white civilizations and countries into Brown ones through immigration.

MICHAEL BARBARO

Right.

NICK CONFESSORE

And often, in the most extreme versions of this, the Jews are pulling the strings. The Jews are part of a conspiracy to undermine Western civilization by replacing white Americans or white Europeans with immigrants from Africa, from Asia, from the Middle East.

MICHAEL BARBARO

Right. We've talked about this on the show. It's seen as responsible for some of the anti-Semitic violence on the American Right.

NICK CONFESSORE

That's right. And in fact, we've had three mass shootings in recent years in this country where the shooters wrote about replacement theory, seemed to be inspired by replacement theory. The most popular cable host in the country up until this year — Tucker Carlson — was also one of the great popularizers and mainstreamers of replacement theory.

MICHAEL BARBARO

Right.

NICK CONFESSORE



On his show, you could hear that rhetoric all the time — that Democrats, in cahoots with big business and some Republicans, were trying to replace the native-born population of America with immigrants for political power.

MICHAEL BARBARO

Mm-hmm.

NICK CONFESSORE

And Elise Stefanik herself has delved into these waters.

MICHAEL BARBARO

How?

NICK CONFESSORE

Two years ago, her campaign released Facebook ads that essentially borrowed and echoed elements of replacement theory. She got bashed for this. Of course, she was defiant. But it shows you how, if you think about all the discussion that replacement theory has caused in the media and on this show and around the country, you can understand that this hearing was a chance to kind of flip the script and reset that conversation for Republicans and say, see? The real problem with anti-Semitism, the real anti-semites, are at elite universities.

MICHAEL BARBARO

Got it. In other words, Republicans are very eager to redirect this conversation about anti-Semitism to being a problem of the Left, not just the Right.

NICK CONFESSORE

That's exactly right. And I think we should also look at the broader context here. While the subject here is partly about who gets to say what — should we have free speech? All around the country, in state legislatures, Republicans are passing bans on teaching critical race theory and defining the theory in pretty broad ways. In Florida, professors are no longer allowed to talk about systemic racism in core classes.

MICHAEL BARBARO

It's been banned.

NICK CONFESSORE

It's been banned. So —

MICHAEL BARBARO

By a Republican administration.

NICK CONFESSORE

Yeah. And so there are obviously a lot of principled defenders of free speech on the Right and the Left and in the center. But I think some skepticism is warranted in this moment, because rather than saying we should have more pluralism in these universities, we should accept all viewpoints. There are many people on the Right at the moment who want to replace one ideology with another.

MICHAEL BARBARO

Which is another way of saying that when it comes to academic free speech, there is some hypocrisy on both sides, not just on the Left, but also on the Right.

NICK CONFESSORE

I think there is an incredible amount of hypocrisy around free speech issues in every institution in American life.

MICHAEL BARBARO

Well, regardless of why Republicans seized on this moment and held this hearing, Nick, if you just embrace for the moment that universities are struggling with the question of free speech — when to embrace it when to regulate it — I wonder where this now leads. Once a president of university is ousted over this, once two other university presidents' jobs have been put on the line, even if they are spared, where do we think this goes? Does it lead to more free speech, or does it lead to more regulation of free speech on these campuses?

NICK CONFESSORE

We have been moving in the direction of more regulation of campus speech for a long time now. I think for a long time, liberals led that charge. And I think that conservatives — some conservatives have given up on the idea of fighting for neutrality on these questions and have resolved that if there has to be a choice, then they're going to enforce conservative speech restrictions and content restrictions on college campuses.

MICHAEL BARBARO

Kind of match what's going on in their minds on the Left.

NICK CONFESSORE

Yeah. And you know the other option for everybody is to make a decision as an institution, as a society, that we're going to be offended sometimes. People are going to say things we don't like. They're going to lie. They're going to mislead.

They're going to say I shouldn't exist. They're going to be hateful. And make a decision that maybe we have to let that happen and police it less.

MICHAEL BARBARO

Because that, in theory, is the true meaning of free speech, as painful as it clearly is.

NICK CONFESSORE

I think free speech is often painful. And we have worked away from that ideal in a lot of places in public life. But the idea that I'm going to have to be offended once in a while, even really offended, even feel that somebody is against who I am on some fundamental level — I think the choice that we all have to make is, is it better in the end to do less to regulate that kind of thing and embrace all the pain and complexity that may result? And do we believe that makes for a healthier society?

MICHAEL BARBARO

Based on what you're saying, it doesn't seem that's the direction we're headed in — towards a pure version of free speech on campus.

NICK CONFESSORE

It doesn't to me. And what I see is an expanding circle of things that you're not supposed to say in these environments — not a shrinking one, but an expanding one. And it seems like that's the way we're heading.

The notion that the administrations of these universities should try to remain neutral on moral and political questions and let everyone speak their perspective seems less and less in favor. And it feels like we're moving more in the opposite direction, to a future in which, in any given institution, whichever political side has the most power gets to decide what speech has really allowed.

MICHAEL BARBARO

Well, Nick, thank you very much.

NICK CONFESSORE

Thank you.

# Delta Breach

Sunday, December 17, 2023



Do you have Delta Dental coverage through UC? Remember the Accellion breach? We may have another. From the [Sacramento Bee](#):

*Delta Dental of California and its affiliates have begun alerting roughly 7 million of its customers that hackers stole sensitive personal information as part of a global data breach that occurred back in May. Like hundreds of other nonprofits, companies and government agencies affected by the Movelt file-transfer breach, Delta Dental said it had to hire outside experts to determine how many of its customers were affected and what information was taken.*

*In a report to the state of Maine, Delta Dental said it began notifying customers on Thursday that they were affected. The company said hackers stole customer names with some combination of the following: addresses, social security numbers, driver's license numbers or other state identification numbers, passport numbers, financial account information, tax identification numbers, individual health insurance policy numbers and health information. Delta Dental of California and its affiliates cover enrollees in all 50 states, plus Washington, D.C. and Puerto Rico, the company said.*

*"We're deeply committed to protecting the information entrusted to us and take issues like this very seriously," Delta Dental spokesman Katherine Wilburn wrote in a statement to The Sacramento Bee. "Immediately after being alerted of the incident, we took steps to contain and remediate the incident and protect our data."*

*The company, with the assistance of the global risk mitigation and response company Kroll "launched a thorough investigation, led by a team of independent third-party forensics, analytic and data mining experts, to determine what information was impacted and with whom it is associated," according to the statement. That concluded Nov. 27. Delta Dental also contracted with the New York City-based Kroll to offer affected customers 24 months of free identity monitoring services. The dental insurer also urged customers to review their various account statements and credit reports closely and to report any suspicious activity to their creditors...*

Full story at <https://www.sacbee.com/news/local/health-and-medicine/article283100123.html>.

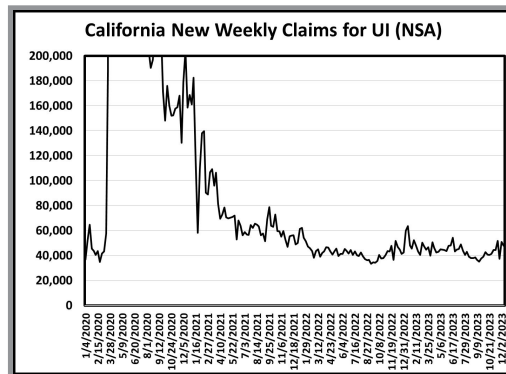
Just a reminder that it is easy to freeze your credit information in California:

<https://oag.ca.gov/idtheft/facts/freeze-your-credit>.

It's a bit of a hassle to reopen your credit if you want to get a new credit card, mortgage, etc. But ID theft is a really big hassle.

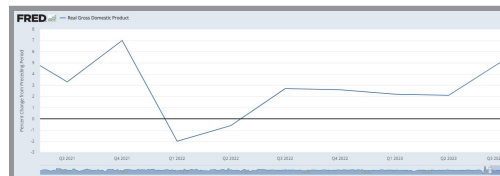
# Maybe it came and went

Sunday, December 17, 2023



Our weekly look at new California claims for unemployment benefits remains in the pre-pandemic (boom) range. So, it's hard to see, indeed, you can't see, any sign of recession in this series. And there hasn't been a recession since the pandemic-induced recession of 2020.

But wait! Recessions are called officially by the National Bureau of Economic Research (NBER) and so they occur, again officially, when a committee of the NBER says they occur. It used to be a rule of thumb, however, that two quarters of negative real GDP growth would eventually be ruled by the committee to be a recession. With the Federal Reserve raising interest rates to combat inflation, almost everyone thought a recession was inevitable. But in fact, there WERE in fact two consecutive quarters of negative growth in the first half of 2022, as the chart below shows:



It's just that the NBER committee looked at the labor market indicators - such as the data we have been following - and decided that there really couldn't be a recession with low unemployment, labor shortages, etc. The thing is that when you start with a labor shortage and there is a real downturn, employers mainly "lay off" vacant positions and not real people. So maybe there was a different kind of recession, one that NBER didn't recognize as such, which we have already had and that is now behind us. Just a thought...

In any case, as always, the latest claims data are at <https://www.dol.gov/ui/data.pdf>.

# AI at Berkeley

Monday, December 18, 2023



The [San Francisco Chronicle](#) runs a story about the use of AI in university courses on various Bay Area campuses. For UC-Berkeley, there is this:

*... New and different course offerings and increased interest in them aren't the only changes being wrought by the technology at the university level. UC Berkeley professor Narges Norouzi started encouraging her computer science students this fall to take advantage of OpenAI's GPT-4, albeit in a limited way, to solve knotty coding challenges. The technology's AI-generated coding hints can help students push through tough problems and get faster results.*

*The effort is still in the testing phase, mainly in her introduction to coding class, Norouzi said, and does not give students access to the full-on chatbot. Instead, a program she fashioned using the technology allows students to click a button that then prompts GPT-4 for a hint based on the material they are working on and, increasingly, what the program knows about the class and student learning patterns. Students have been critiquing the coding hints, which Norouzi said will be incorporated into future versions of the tool through a process called reinforcement learning from human feedback. Over time, it will be able to increasingly understand how students learn and make better prompts.*

*Another program still in the testing phase that Norouzi hopes to incorporate into classes next year will feed GPT-4 with information from course texts and an online student Q&A portal, called Edison. The goal is for the program to learn from that material and be able to speedily answer many of the thousands of questions students pose to Edison every semester. One data course has roughly 1,300 students, Norouzi said, and teachers' assistants can be heavily burdened with answering every question that pops up on Edison.*

*"We've been working on how to give the (model) the right context," Norouzi said. That means training it to know whether to reference a course text or a homework description or the syllabus to see if a question has already been asked and answered.*

*She said a related tool that she plans to make available to students next semester can perform similar context queries of course materials, but with an eye toward shortening the long waits that can crop up when students sign up for office hours for one-on-one time with professors. "The queues get as long as four hours wait time," Norouzi said. So she has created a chatbot based on GPT-4 versed in the course material that students can converse with, hopefully solving their problem without having to wait in line.*

*“Hopefully this can help us move faster in the queue and help serve more students,” especially in larger courses, she said...*

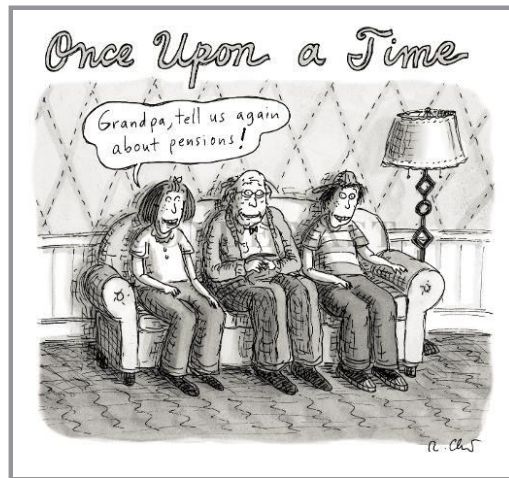
Full story at <https://www.sfchronicle.com/bayarea/article/ai-artificial-intelligence-college-18550411.php>.

The times, they are a-changing.



# Tears for UC's (Now) Multi-Tiered Pension

Monday, December 18, 2023



Not much more to say...

# UCLA and the VA

Tuesday, December 19, 2023



From the LA Times: *Concurring with arguments by several prominent constitutional and civil rights scholars, a federal judge has reversed himself and ruled that veterans can sue the Department of Veterans Affairs for housing they need to access healthcare and other VA benefits. In a far-reaching ruling, U.S. District Judge David O. Carter also found that the leases of portions of the VA's West Los Angeles Campus to UCLA and a private school are not in compliance with the congressional requirement to "provide services that principally benefit veterans and their families."*

*...Seven prominent legal scholars including UC Berkeley Law School dean Erwin Chemerinsky and Harvard Law School professor Laurence H. Tribe joined in a friend of the court brief filed by the national ACLU. Other scholars in the group were Yale Law School professors Michael J. Wishnie and Judith Resnik, USC Gould School of Law professor Adam Zimmerman, UCLA Law School professor David Marcus and Stanford Law School professor Pamela S. Karlan...*

Full story at <https://www.latimes.com/california/story/2023-12-18/veterans-demand-for-more-housing-in-west-los-angeles-to-go-forward-in-federal-court>.

# Watch the Regents Health Services Meeting of Dec. 13

Wednesday, December 20, 2023



We are catching up with the Regents' Health Care Services meeting of last week at UCLA which - truth be told - was relative uneventful, at least in the open portions. (Much went on behind closed doors.)

Given world events, you might have expected some references in public comments, but there were none. Perhaps the end of the quarter/exam week explains it.

Public comments referred to requests to retain the name of St. Mary's Hospital in some way after it is absorbed by UC-San Francisco, use of bicycles, student health care services regarding birth control, and CARE centers. The rest of the morning session was closed.

In the afternoon, there was an approval of an executive pay matter for UC-Irvine and then there was an overview of UC Health by new EVP for UC Health David Rubin. In his remarks, he noted there would be a review of the rising costs of providing health insurance and health services to UC employees. (Recent price increases for UC health insurance had led to complaints.)

The open part of the afternoon meeting then turned to health "equity" efforts. Dr. Medell Briggs-Malonson pointed to health discrepancies such as death rates for various diseases and conditions. It was not entirely clear how UC would address these issues, apart from the care it provides to its patients. Various regents expressed a desire for metrics and goals in the future.

Finally, a student representative reported in healthcare available to students and a desire for student participation in the equity program.

As always, we preserve recordings of Regents meetings since the Regents have no policy regarding the duration of retention.

You can see the morning session at:

<https://ia600500.us.archive.org/33/items/regents-health-services-committee-morning-12-13-2023/Regents%20Health%20Services%20Committee%20Morning%2012-13-2023.mp4>.

The afternoon session is at:

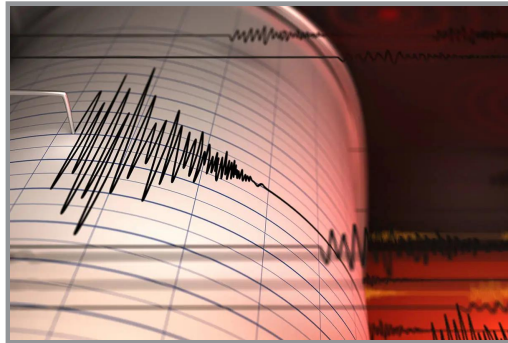
<https://ia800500.us.archive.org/33/items/regents-health-services-committee-morning-12-13-2023/Regents%20Health%20Services%20Committee%20Afternoon%2012-13-2023.mp4>.

The general website for the entire meeting is at:

<https://archive.org/details/regents-health-services-committee-morning-12-13-2023>.

# Aftershock at Harvard?

Thursday, December 21, 2023



From *Inside Higher Ed*: *Early undergraduate applications to Harvard fell by 17 percent this fall, according to data shared by the university. Harvard's early-action program drew 7,921 applicants this cycle, compared to 9,553 last year. It's a marked decline amid a sea of rising troubles for the institution.*

*Harvard came under fire earlier this month for President Claudine Gay's responses during a congressional hearing on campus antisemitism. And this summer the university lost a landmark Supreme Court case on affirmative action, resulting in a nationwide ban on the practice.*

*The news also comes as early admissions policies are under renewed scrutiny; many critics believe they give priority to wealthy, white students. However, nationwide early applications increased from pre-pandemic levels by 38 percent this fall, according to preliminary Common App data provided to Inside Higher Ed.*

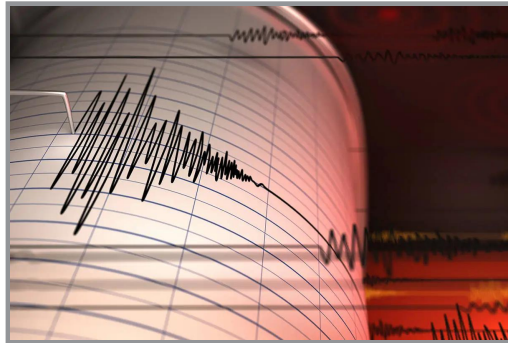
*Harvard admitted 692 students via early action, a little less than 9 percent of the pool. The university did not release the racial or demographic breakdown of those students, as it did last year.*

Source: <https://www.insidehighered.com/news/quick-takes/2023/12/19/early-applications-harvard-drop-substantially>.

It might be noted that early applications were due BEFORE the controversial Congressional hearing at which Harvard's President Gay testified, although Harvard in particular had been receiving negative PR on the same issues in the wake of the Oct. 7 attack.

# Aftershock at Berkeley?

Thursday, December 21, 2023



From the [San Francisco Chronicle](#): **Oakland leader disinvented from UC Berkeley talk due to Israel support**

Rachel Swan 12-18-23

*A UC Berkeley instructor disinvented Oakland city council member Dan Kalb from speaking to his environmental policy class in November, after students objected to Kalb's social media posts in support of Israel. Kalb, a UC Berkeley alumnus with a bachelor's degree in conservation of natural resources, was scheduled to deliver a talk on climate change on Nov. 21. The day before the lecture, instructor Kurt Spreyer sent Kalb an email asking him not to come after students submitted a letter to protest the council member's appearance.*

*"Considering your active role in retweeting and spreading pro-Israeli propaganda, which often equates pro-Palestinian as 'anti-Semitic,' on social media, questions arise regarding the validity, legitimacy, and authenticity of your views in regard to the advocacy of our community," the letter read. It raised concerns about Kalb's endorsements from Jewish organizations that support U.S. military funding for Israel.*

*Last month, Kalb and other Oakland city council members unanimously approved a resolution calling for an immediate ceasefire in Gaza. "It was disappointing," Kalb said of the letter, adding that because he supports "the existence of Israel as a Jewish homeland," he had been denied the opportunity to speak on an unrelated subject.*

*"One lesson that we have in politics is that you can disagree with somebody on something, but you have to work with them on other things," the council member added. "The real question is not whether I and (the students) disagree on something regarding Israel; the real question is — is that a legitimate reason to not let me come and talk about climate change?"*

*He accepted Spreyer's decision to cancel the talk, acknowledging that the instructor was under pressure and had tried — unsuccessfully — to get the students to back down. "I think he felt that if I showed up, I would never get a chance to talk about climate change," Kalb said. "They would have pulled the discussion into the Middle East."*

*Spreyer did not immediately respond to a request for comment on Monday. A*

spokesperson for UC Berkeley criticized the instructor's handling of the situation in a statement. "What happened in this class is not consistent with the university's values, particularly because the class discussion had nothing to do with the war between Israel and Hamas," the statement from university spokesperson Dan Mogulof read. It went on to say that UC Berkeley Provost Benjamin Hermalin learned about the matter on Dec. 12 and wrote to Kalb to express regret on behalf of university leadership. Additionally, officials at the Rausser College of Natural Resources met with the instructor "to ensure nothing like this will happen again," the statement continued.

Hermalin will send a message to every dean and department head, reminding them of "Berkeley's support for an open exchange of ideas, and our rejection of political litmus tests when it comes to who can speak in our classes," the statement concluded, characterizing the cancellation of Kalb's talk as a moment to discuss the dangers of censorship.

Source: <https://www.sfchronicle.com/bayarea/article/oakland-leader-disinvited-uc-berkeley-talk-due-18562188.php>.

Whether this is the end of the story is unclear. Kalb was quoted as saying:

*"If someone wants to go speak about climate change—they are an expert on climate change—what the hell does Israel or Zionism have to do with that? Why not put a yellow star on our sleeve? How about we do that, too?"*

Quote via UCOP Daily News Clips 12-19-23 via <https://www.jns.org/berkeley-students-accuse-oakland-councilman-of-environmental-apartheid/>.

## UCLA out - USC in: UCLA could eventually be drawn back in

Friday, December 22, 2023



The Mercury News carries a story concerning the ongoing trend toward viewing student-athletes, at least in money-making sports, as employees.

*The future of collegiate athletics, for all anyone knows, was sealed a decade ago in a slew of union ballots that has never seen the light of day. Let's travel back here for a moment to 2015, when a long-suffering labor movement by Northwestern athletes chasing employee status – led by quarterback Kain Colter – steamrolled all the way to the National Labor Relations Board (NLRB). According to a Sports Illustrated story a few years ago, players had assembled in 2014 at a hotel to cast votes in favor of unionizing. But in August a summer later, the NLRB unanimously declined to assert jurisdiction – anticlimactically ending a landscape-changing movement.*

*...Here's the kicker, though: the NLRB came to that decision because it would essentially be too complicated to promote labor rights at one university, but not across an entire Big Ten conference or the NCAA. Importantly, they never ruled on whether or not those athletes were, in fact, employees.*

*...This is all relevant, ultimately, because of a quietly earth-shattering complaint being brought by the NLRB against USC, the Pac-12 and the NCAA arguing USC's "student-athletes" should be classified instead as employees. After an initial hearing on Zoom in early November, the trial will resume with in-person witness testimony on Monday.*

*It's a case that could spiral into the weeds, a process likely to drag through appeals and discovery that Michael LeRoy – a professor of labor and employment relations at the University of Illinois – estimates could take anywhere from three to seven years. But that process will be hugely important in the direction of collegiate athletics. If the NLRB eventually rules in favor of classifying USC athletes as employees, it would set a precedent for players to be able to unionize and collectively bargain for wages and other protections at private universities...*

*In Sept. 2021, Jennifer Abruzzo – tabbed just a few months earlier by President Joe Biden as the NLRB's general counsel – issued a memo advising her prosecutorial stance on collegiate athletes as having full employee rights under the National Labor Relations Act. That opened a door for Ramogi Huma, once a football player at UCLA and formerly on the front lines of the Northwestern fight, and the organization National College Players Association (NCPA) to file a complaint in 2022 against USC, UCLA, the Pac-12 and the*



*NCAA to the NLRB – a complaint LeRoy said had to arise from athletes coming forward to discuss forming a union.*

*Eventually, Huma and the NCPA decided to drop charges against UCLA due to its status as a public university. And after a few months of investigation, the NLRB decided to file an official complaint in May that set the case against USC into motion...*

Full story at <https://www.mercurynews.com/2023/12/18/a-losing-hand-legal-experts-examine-uscs-push-against-players-being-classified-as-employees/>.

Note that if the NLRB were to rule that student-athletes at private USC were employees, it is very likely that the California PERB (which covers public employees including at UC) would follow the precedent. Both schools are now, and will be, part of the same conference.

# UCLA History: Westwood Blvd., 1931

Saturday, December 23, 2023



Then and Now



# Burying the Math Requirement Controversy?

Saturday, December 23, 2023



If you have been following the controversy over math admissions for UC undergrads, the item below will be of interest:

## **Did the University of California Try to Bury a Consequential Vote on Math?**

Chronicle of Higher Education, Stephanie M. Lee, 12-19-2023 via UCOP Daily News Clips, 12-20-23

*This summer, a University of California panel voted to set the record straight on a controversial math admissions requirement. The vote had timely implications for K-12 schools across California: The state was days away from adopting new guidelines for math instruction, based partly on criteria that the UC system had been advertising. But the group did not disclose the vote right away. Emails obtained by The Chronicle show that after the committee's July 7 meeting, members repeatedly pushed their chair, Barbara Knowlton, a psychologist at UCLA, to broadcast what they had decided: that courses billed as "data science" would no longer count as a substitute for algebra II, one of the UC system's longstanding requirements. They cited widespread concerns that the courses were not preparing students for college-level math.*

*"Barbara, I think it would be dishonest to delete the language regarding the vote and withhold this information from the communication to the state Board of Education," wrote one member of the Board of Admissions and Relations with Schools (BOARS), the UC faculty committee that oversees admissions policies. "We do not get to rewrite what took place." But the group's internal emails, obtained through public-records requests, show that to the chagrin of members, Knowlton proposed issuing a statement that left out any mention of the vote, instead saying merely that data science was under discussion. A UC spokesperson then issued a similar statement to the press and to the state Board of Education.*

*News of the committee's vote first became public through media reports, including in The Chronicle, The Los Angeles Times, and EdSource. The exchanges illustrate how the most technical debates in the so-called math wars can arouse strongly held passions between camps with the same goal: to expand the pipeline of students entering STEM. In this case, faculty members who felt they had raised important concerns about courses*

labeled as “data science” reportedly spoke of “a conspiracy to silence the committee.”

Knowlton said by email that she thought the vote “was not sufficiently thought through,” making it premature to communicate it to the education board. She also wrote that she “strongly disagreed” with any perception that she tried to hide the July 7 vote. Ryan King, a spokesperson for the UC Office of the President, said that BOARS had taken an “action” that “established a policy direction” for math admissions, “but key implementation details had not been determined at that time.”

“One of the university’s highest priorities is to ensure that California high-school students are fully informed about UC admissions requirements and prepared to apply and enroll at UC,” he said by email.

### **‘We Are Complicit’**

The UC system has traditionally required applicants to pass at least three years of math, including a second year of algebra or algebra II. But in August 2021, citing a decision made the previous year, BOARS announced that the UC system would accept a broader array of advanced math courses that could be taken instead of algebra II, a move it called an “equity issue” that could help send more students to college. Data science was promoted as one of the alternatives.

Robert L. Gould, a UCLA statistics instructor who developed the course “Introduction to Data Science,” wrote in 2021 that alternative math pathways are “important because algebra II has a high failure rate.” He added, “Many educators are justifiably concerned that the calculus pathway institutionalizes racial inequities by decreasing the number of Black and Latino students in college,” and that data-science courses could help diversify enrollment “by strengthening connections between students’ everyday lives and their academic careers.”

Hundreds of courses labeled data science have popped up across California, offering a blend of math, namely statistics, and computer science. Data science in some form is available in high schools in 19 states, including California, Oregon, and Ohio, which offer it as an alternative to algebra II, according to Zarek Drozda, director of Data Science 4 Everyone, a group based at the University of Chicago. He noted that students in those states can take algebra II before or after data science, if they have the desire and the space in their schedules.

### **“We do not get to rewrite what took place.”**

But California has not established guidelines for what these courses should teach. Some of the most popular courses, such as “Introduction to Data Science” and “Explorations in Data Science,” which was developed at a research center at Stanford University, contain little algebra II and do not require it as a prerequisite, according to their syllabi, even though UC admissions policy requires advanced math courses for juniors and seniors to “build upon” algebra II.

So critics, led by STEM professors and professionals, say that students could be unprepared to take math courses that require an understanding of algebra II concepts, like logarithms and trigonometric functions. To major in data science and other quantitative fields at a UC campus, students generally need to arrive able to take calculus. Professors from across the UC system began writing to BOARS last year to

*express their concerns. By this summer, complaints had poured in from faculty at the Berkeley, Santa Cruz, Irvine, Riverside, and Santa Barbara campuses. The Academic Senate of the California State University system, which had adopted UC's admissions requirements, passed a resolution that protested the "unilateral changes" that the UC system had apparently made.*

*On Friday, July 7, BOARS members gathered over Zoom to discuss their concerns about data-science courses and to hear from two UC professors with opposing views. The deadline for public comment for the third draft of the California math framework, which the state Board of Education had released the week before, was noon that day. The nonbinding policy said in part that data science could be offered in place of algebra II, citing the UC's guidance.*

*Just before noon, BOARS sent a short statement to the state Board of Education saying there was "significant discussion" on data science. Then its members voted to no longer allow the current approved data-science courses to validate algebra II. They also voted to set up a work group to better define standards for advanced math, according to meeting minutes later posted online.*

*The day after the meeting, emails show, two members shared with the group a draft letter to send to the state Board of Education. The letter made clear that the group had unanimously voted "to remove existing data-science courses from the set of advanced mathematics courses that can substitute for algebra II," a decision that was "effective immediately." It explained that "the existing courses are not sufficiently rigorous and do not contain sufficient content in the topics of advanced algebra."*

*On July 9, Knowlton proposed minor edits, some of which the authors made. The next day at 3 p.m., two days before the education board was to vote on the math framework, one author asked if the letter was ready to be sent, noting that "time is of the essence." Knowlton responded that night with a new proposed statement of her own. Instead of mentioning the data-science vote, it echoed what the group had already said publicly — that data science was under "significant discussion" — and added that a work group would iron out the details.*

*The other BOARS members had also proposed recommending that the education board tweak the math framework in a few ways: Remove references to the UC allowing data science to stand in for algebra II and add language clarifying what math incoming UC students should know. But Knowlton told the group that it wasn't worth suggesting the latter, as "the deadline has also passed for edits." This did not go over well.*

*"On Friday we voted — unanimously — that current data-science courses no longer validate algebra II," wrote Joshua Berke, a neurology professor at UC San Francisco, adding, "I ask that you ensure all public communications clearly, openly, unequivocally, and immediately convey this unanimous BOARS decision." Others chimed in to agree. "If BOARS does not inform [the state Board of Education] about Friday's vote and the additional problems with the [framework] language," wrote Laura Giuliano, an economics professor at UC Santa Cruz, "then we are complicit in misleading California high-school students and creating barriers to their success as potential UC students." Knowlton stood firm: "I do not think we have the power to do this."*

*According to their mission statements, BOARS sets admission policies and a separate administrative office carries out those policies by approving courses that count toward the*

requirements. Knowlton argued that BOARS was assuming the authority of the latter. So she chose to “consider the vote” as an expression of “unanimous concern about data-science courses,” she wrote.

The group pushed back. “I do not believe it is up to you ... to choose whether to implement this unanimous BOARS decision or not,” Berke wrote. (Berke did not return a request for comment.) Berke and others also expressed alarm about what they perceived as a lack of transparency. BOARS was not consistently approving meeting minutes, they wrote, and spotty record-keeping could potentially allow UC staff to incorrectly interpret the group’s decisions. “In light of the apparent disagreement over how to interpret what was voted on,” Giuliano wrote, “I would like to request a copy of the minutes and request that they not be formally approved — and the recording of the meeting not be deleted — without the consent of all BOARS members who were in attendance at Friday’s meeting.” (Giuliano declined to comment.)

Sophie Volpp, a comparative-literature professor at UC Berkeley, added, “I want to emphasize that it would truly be of grave consequence if we send a statement to the state Board of Education that misrepresents the content of a two-part vote.” (Volpp declined to comment.)

### **'A Conspiracy'**

On the evening of Tuesday, July 11, *The Chronicle* reported that BOARS had voted to disqualify data science as an algebra II replacement, citing internal emails and people who attended the meeting. An hour later, an email from the chair of the UC Academic Senate admonished BOARS members that “protocols regarding confidentiality have been violated” and that sharing the group’s posts was “subject to disciplinary action.” Later that night, a UC spokesperson sent a statement to *The Chronicle* and other outlets, reiterating that BOARS had “continued an ongoing dialogue” about what courses would satisfy the math requirement and that it had voted to set up a work group.

When the state education board met the next day, the board president read the statement aloud. The board unanimously approved the math framework, which was edited at the last minute to remove references to the UC endorsing data science as an algebra II substitute. Knowlton told *The Chronicle* by email that “data science” was not an official category of courses used by admissions, so UC staff would not have had an easy way of sorting out which courses did or did not qualify, and that a work group consisting of subject experts was more qualified to determine those criteria. The vote also did not specify a timeline, which would have indicated to current UC applicants that their courses were suddenly ineligible, she wrote. “Some members perceive a conspiracy to silence the committee or to misrepresent its position.”

“Given the lack of clarity about how the motion would be implemented, it seemed that it would not be helpful to transmit to the [state Board of Education] at that point,” she said. James Steintrager, who was vice chair of the UC Academic Senate at the time, said by email that “at no point did the UC Office of the President hide the July vote.” From the Senate’s perspective, he wrote, “the action that was voted on was not implementable.”

On July 17, BOARS met again and doubled down on its July 7 vote. This time, it clarified some exceptions: Data-science courses that have algebra II as a prerequisite would be allowed, and high-schoolers who took data science in the 2022-23 and 2023-24 academic years would have validated the algebra II requirement. Meeting minutes

*indicate that tensions were running high: “Some members perceive a conspiracy to silence the committee or to misrepresent its position.”*

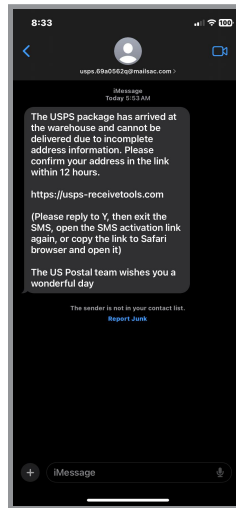
*Knowlton told The Chronicle that the July 7 vote would be reported in the meeting minutes and that she was simply trying to formulate the vote “in a way that could be implemented.” Five months later, BOARS is still debating the future of data science. By the end of December, its math work group is planning to issue recommendations, including on what data-science courses should teach in order to qualify as advanced math, according to documents posted online. That won’t be the final step: It will meet with a group of Academic Senate members from the UC and CSU systems, as well as California’s community colleges, to “align expectations of college preparation in math.” A report with the work group’s recommendations is expected to be issued by May 2024.*

*King, the UC spokesperson, said that the university “remains committed to ensuring that all students aspiring to attend UC have ample advance notice to enroll in and complete all courses required for admission.”*

Source: <https://www.chronicle.com/article/did-the-university-of-california-try-to-bury-a-consequential-vote-on-math>.

# Don't Reply!

Saturday, December 23, 2023



Lots of packages arrive at this time of the year.

But if you get a text message such as the one shown here, do not respond.

It's a fraud. Only bad things can happen if you do respond.

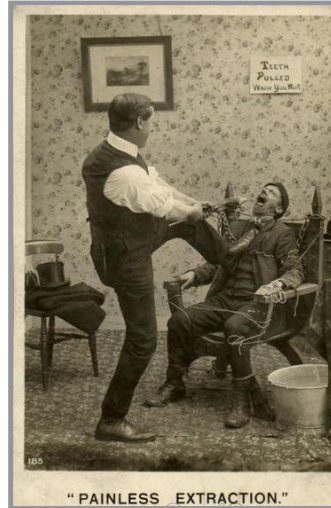
*Clue: Would the Postal Service really be sending you a text? Would the Postal Service even know your phone number? Would a message from the Postal Service come from "mailsac.com"?*

Probably not.



## Hint: Freeze Your Credit or the Extraction from Your Wallet May Be ...

Saturday, December 23, 2023



We noted in a prior posting that there had been a cyber-breach of Delta Dental, one of the insurance programs offered by UC to employees and retirees.\* Up to this point, there had been no word from UC about the latest breach. But now there is:

*UC recently learned that between May 27 and May 30, 2023, our dental insurance carrier, Delta Dental, experienced a data breach in their MOVEit file-transfer software program. (This incident is separate from the Delta Dental/Orrick breach that occurred in March of this year). This newly reported Delta Dental breach impacted many organizations, including corporations, government agencies, insurance providers, financial institutions, state education systems and other entities, and more than 6.9 million people, including approximately 190,000 UC employees, retirees and dependents.*

*The breach compromised personal identifying information including name, address, social security number, date of birth and health care information.*

***Delta Dental has been working with local and federal law enforcement and third-party vendors to investigate this incident, to assess the information that has been compromised, and to limit the release of stolen information. They will mail letters to all affected individuals within 10 business days.***

*If you receive such a letter, it will detail the type of information that was compromised in your account, as well as instructions and a pin number for enrolling in 24 months of free credit monitoring and identity theft protection through Kroll.*

*UC is monitoring this situation closely and will inform the community if we learn of any further details.*

*If you have questions about the breach, or need additional information on the identity theft protection program, the Kroll customer service team is available Monday through Friday at 1-800-693-2571, from 6 a.m. to 3:30 p.m. (PT), with the exception of holiday*

*closures on Dec. 25, 2023, and Jan. 1, 2024. Please note that UCPath Center and UC Retirement Administration Service Center (RASC) representatives do not have additional details regarding this incident.*

*What you should do to protect your personal and financial information:*

*If you receive a letter from Delta Dental, take advantage of the free credit monitoring and identity theft protection: Information and a unique pin code for registering will be contained in the letter from Delta Dental. You must activate this protection within 90 days of receiving the letter.*

*Monitor and set up alerts for bank account(s): Monitor your bank account(s) for suspicious transactions and report any to your bank. Ask the bank for online monitoring and alerts on your account. This will give you early warning of any fraudulent transactions.*

*Watch out for suspicious emails: It is possible that the person(s) behind this attack may send threatening mass emails in an attempt to scare people into giving them money. If you receive such an email, forward it to your local information security office or simply delete it. Please do not engage or respond.*

*Place a fraud alert on your credit file: We recommend you place a fraud alert on your credit file by contacting one of the three nationwide credit bureaus listed below. If a fraud alert is placed on a consumer's credit file, certain identity verification steps must be taken prior to extending new credit.*

<https://www.equifax.com/personal/>

<https://www.transunion.com>

<https://www.experian.com/>

*Important reminders about protecting yourself: These incidents are reminders of the importance of doing everything possible to protect your online information. We recommend that you take the identity theft measures described at <https://www.identitytheft.gov/databreach>*

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Source: <https://mailchi.mp/ucop.edu/may-new-dimensions-553790>.

The UC message recommends putting a fraud alert on your credit. Yours truly recommends going further and freezing your credit. It's better to stop fraud from occurring rather than being alerted about it possibly happening.

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\* <https://uclafacultyassociation.blogspot.com/2023/12/delta-breach.html>.

# Our traditional offering: Nash on Claus

Sunday, December 24, 2023



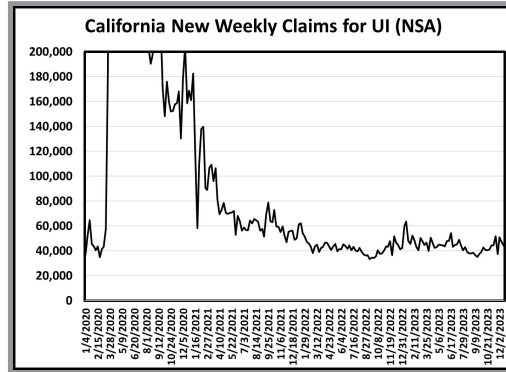
Or direct to <https://www.youtube.com/watch?v=w-1-CYJ60Sk>.

# No recession stirring, but...

Sunday, December 24, 2023



Our weekly look at new weekly California claims for unemployment insurance once again shows no sign of recession. That's the Good News. The Bad News, as blog readers will know, is that state is facing a budget squeeze due to a drop in personal income tax revenue. Such squeezes can occur, even without a recession, due to the progressive nature of the California income tax and its reliance on high income taxpayers whose incomes reflect the volatility of the stock and other financial markets. We'll have more details in early January when the governor delivers his budget proposal for 2024-25,



As always, new claims data are at <https://www.dol.gov/ui/data.pdf>.



## Our traditional offering: The Bootblack's Christmas

Monday, December 25, 2023



Or direct to <https://www.youtube.com/watch?v=D5mF2TCyS-o>.

# UCLA's Med School Has a Dartmouth Experience

Tuesday, December 26, 2023



In past blog posts, we noted that Dartmouth seems to have had a more constructive approach to tensions resulting from the Israel-Gaza War involving scholarly panels that have had a civil discussion of the issues and background.\* The UCLA Geffen School of Medicine hosted such a panel a week ago via Zoom (image above). The program was recorded although yours truly doesn't know when or where it will be posted for general viewing. A video recording was placed in a UC Health box account which yours truly can't access. I notified the person who placed it there, but with UC largely shut down, it may be some time before I get a response. In the interim, here is an audio recording (actually a video with still pictures):

<https://archive.org/details/ucla-med-school-dialogue-12-20-2023> [one hour]

The two guests:

**UCLA** David Geffen School of Medicine

**A COMPASSIONATE DIALOGUE:**  
A DISCUSSION OF OUR SHARED VALUES,  
HUMANITY, AND PURPOSE



David Myers, PhD    Yasmeen Abu Fraiha, MD

**Featured Speakers:**

Dr. David N. Myers is a Distinguished Professor of History and holds the Sady and Ludwig Kahn Chair in Jewish History in the UCLA History Department.

Dr. Yasmeen Abu Fraiha is a physician, specializing in internal medicine, who is currently acting as the Executive Director of Rodaina, an NGO she founded that aims to prevent genetic diseases in the Middle East, especially in the Bedouin community.

**Dr. David N. Myers** is a Distinguished Professor of History and holds the Sady and Ludwig Kahn Chair in Jewish History in the UCLA History Department. He is the founding director of the UCLA Luskin Center for History and Policy. Myers' scholarly work has touched on a number of key themes in modern Jewish history, including the history of

Jewish historiography, the history of Zionism, and modern Jewish intellectual history. In addition to *Re-Inventing the Jewish Past*, he has also written *Resisting History: Historicism and Its Discontents in German-Jewish Thought* (Princeton, 2003), *Between Jew and Arab: The Lost Voice of Simon Rawidowicz* (Brandeis University Press, 2008), *Jewish History in the Oxford University Press Very Short Introduction series*, and *The Stakes of History: The Use and Abuse of Jewish History for Life* (Yale University Press, 2018). Most recently, he is the author with Nomi Stolzenberg of *American Shtetl: The Making of Kiryas Joel, a Hasidic Village in Upstate New York* (Princeton, 2021). Additionally, Myers has edited 11 books, taught at the *École des Hautes Études en Sciences Sociales* and the *Russian State University for the Humanities*, visited at the *Institute for Advanced Studies (Jerusalem)*, and been a fellow twice at the *Center for Advanced Judaic Studies (Philadelphia)*. Since 2003, he has served as co-editor of the *Jewish Quarterly Review*. Myers is an elected fellow of the *American Academy for Jewish Research*. **Dr. Yasmeen Abu Fraiha** is a physician, specializing in internal medicine, who is currently acting as the Executive Director of *Rodaina*, an NGO she founded that aims to prevent genetic diseases in the Middle East, especially in the Bedouin community, by spearheading premarital genetic testing and matching. She also serves on the Board of Directors of *Project Wadi Attir*, *Yanabia*, *Tamar Center*, and *AJEEC-NISPED*, all are social projects and NGOs aiming to improve Bedouin lives in Israel. She has won several awards, including the 2007 *Ramon Award* for quality, leadership, and excellence, as well as the 2015 *Travel Grant Award* for outstanding young investigators at the 38th *European Cystic Fibrosis Society conference*, and was also chosen to be part of *Forbes' "30 Under 30"* list. Yasmeen has authored multiple op-eds about Palestine and Israel and has been recently cited in the *New York Times* and on *NPR*. Yasmeen holds a BSc in Medical Science and an MD from the *Hebrew University of Jerusalem* and is currently pursuing an MPA from *Harvard Kennedy School*. = = = \*

[https://uclafacultyassociation.blogspot.com/2023/12/dartmouths-example-in-dealing-with\\_02027536794.html](https://uclafacultyassociation.blogspot.com/2023/12/dartmouths-example-in-dealing-with_02027536794.html).



## Who's in Control? - Part 5

Wednesday, December 27, 2023



Recall the dispute over the assets of the remains of the Pac-12?\* ESPN reports that the dispute has been settled and the leavers (including UCLA) get zilch and forfeit some revenue:

*Oregon State and Washington State have come to an agreement in principle with the 10 departing Pac-12 universities that will end ongoing litigation related to control of the conference, the 12 universities announced [last] Thursday. The agreement comes in the wake of the Washington state Supreme Court's decision last week not to review a lower court's decision that granted control of the Pac-12 board of directors to OSU and WSU. As part of the agreement, the 10 departing schools will forfeit an undisclosed portion of revenue distributions over the rest of the 2023-24 school year and have provided "specific guarantees against potential future liabilities."*

*"In September, as the two remaining members of the Pac-12 Conference, Oregon State University and Washington State University were forced to act swiftly to protect the future viability of the Pac-12. Thanks to the determination and strength of Beaver Nation and Cougar Nation and the excellence of our student-athletes, coaches and staff, we are now closer to achieving our goal," OSU president Jayathi Murthy and WSU president Kirk Schultz said in a joint statement. "Today's news marks a huge victory for our universities and a significant step toward stabilizing the Pac-12 Conference and preserving its 108-year legacy."*

*The Pac-12 will retain all its assets and future revenues, the presidents added...*

Full story at [https://www.espn.com/college-football/story/\\_/id/39164107/oregon-state-washington-state-settle-departing-pac-12-schools](https://www.espn.com/college-football/story/_/id/39164107/oregon-state-washington-state-settle-departing-pac-12-schools).

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\* <https://uclafacultyassociation.blogspot.com/2023/11/whos-in-control-part-4.html>.

# The Recording Option to Protect Against False Claims

Wednesday, December 27, 2023



Yours truly has received reports that some faculty were being "dinged" by students on course evaluations for fall quarter, due to their (the faculty's) perceived position on the current Israel-Gaza War, even if the instructor didn't discuss the conflict and the course was unrelated to it. There have been reports to be false claims of course content referenced in the evaluations.

Clearly, there are larger issues regarding course evaluations and their use in academic advancement that long predate the current tensions. However, a simple approach for instructors going forward in the current period is to record their courses and let students know that the recordings are being made. Indeed, the recordings can be put on course websites for the convenience of students. If false claims are made in evaluations about course content, the recordings will refute such claims.

Video recordings of classes can be complicated to make unless the classroom is set up with equipment for such recordings. However, audio recordings are easy to make using inexpensive (or fancy) audio-recorders. Basically, you just turn them on at the beginning of class and turn them off at the end. Smartphones can also be used as recording devices. (You may have problems in getting lengthy recordings off your phone, however, so audio-recorders may be a better option.)

Note that just as it is easy for instructors to record classes, it is also easy for students (although there are legal restrictions against students doing so without permission). Having a complete recording provides some protection against misleading edited versions winding up on social media.

Instructors who bring in guest speakers should, of course, record only with permission of the guests.

A related issue: I have been told of veiled threats and menacing in written evaluations. Evaluations are anonymous but threats are nonetheless illegal and there may need to be some general cautioning on evaluation forms about making such statements. Note that UCLA is reported to be among the various universities under federal investigation so permitting such activity is at best a Bad Look.

In the end, if the problem persists, the Academic Senate would be wise to consider it and adjust the use of evaluations as needed.

# Regent Sures & Los Alamos Management

Thursday, December 28, 2023



Cillian Murphy as J. Robert Oppenheimer at UC-Berkeley from the 2023 film "Oppenheimer" (above and below) As recently highlighted by the movie "Oppenheimer," UC has played a role in managing Los Alamos going back to the Manhattan Project of World War II and Berkeley professor J. Robert Oppenheimer's position as the project's research director.

From a recent Los Alamos news release:

## **Triad announces Jay Sures as new chair of the board**



*Sures will assume the chairmanship effective Jan. 1 and remains on the University of California Board of Regents where he serves on the National Laboratories Committee Triad National Security LLC, the management and operating contractor of Los Alamos National Laboratory, announces Jay Sures as its new chair of the board. Sures has served on the University of California Board of Regents since 2019, where he is chair of the Compliance and Audit Committee, and Vice Chair of the Health Services Committee. Sures is also the chair of Lawrence Livermore National Security LLC Board of Governors.*

*"We are grateful to have Jay at the helm of the Triad Board," said Thom Mason, president and CEO of Triad, as well as director of Los Alamos National Lab. "He brings a wealth of experience and knowledge from his career as a business executive, as a UC Regent and his leadership at Lawrence Livermore National Laboratory. He is a strong supporter of the Laboratory's national security mission and a proven leader. We look forward to working with him as the board chair." ...*

Full news release at <https://discover.lanl.gov/news/1214-jay-sures/>.

# Another UCLA real estate purchase: Westside Pavillion

Thursday, December 28, 2023



You probably know what the Westside Pavillion looks like, before and after Google planned to take it over and it was converted from a mall to office space. So, we'll show you what was there before the Pavillion. In any event, it appears UCLA is buying it, but for what purpose is unclear. But then, we still don't know what will be done with the Palos Verdes defunct college campus UCLA bought for \$80 million.

At least, you can get from the Westwood campus to the Pavillion by public transit in a reasonable amount of time.

From [Urbanize LA](#): *Nearly five years ago, developer Hudson Pacific Properties kicked off the new year by announcing a landmark deal to transform the shuttered Westside Pavilion shopping mall into a more than 580,000-square-foot office campus for Google. Now, that deal appears to be in doubt as an L.A. institution takes control of the property.*

*An environmental notice published earlier today states that UCLA is acquiring the former Westside Pavilion for an undisclosed sum from Hudson Pacific Properties and Macerich. The purchase will include the eastern half of the mall at 10800-10830 W. Pico Boulevard, which has been gutted and converted into office space, as well as the largely unchanged western portion of the mall at 10850 W. Pico Boulevard.*

*The university's plans for the site are not set in stone at this point in time. "The University will make no decision to undertake further development until it has complied with CEQA and an overall site development plan has been approved..." reads the notice.*

*The purchase does not appear to include the West End, formerly the Westside Pavilion's Macy's, which has been converted to a separate 240,000-square-foot office complex by GPI Cos. A parking garage that once served the mall has since been razed, and is now being redeveloped with a mixed-use apartment complex by GPI.*

*...The Westside Pavilion may be the largest acquisition yet for UCLA, which has gone on a buying spree over the past two years, acquiring the historic Trust Building in Downtown Los Angeles for a satellite campus and the former Marymount California University campus in Rancho Palos Verdes.*

Full story at <https://la.urbanize.city/post/breaking-ucla-buying-westside-pavilion>.

# AB 1291 Passed - Part 2

Friday, December 29, 2023



We noted back in September that AB 1291 had passed.\* It was part of a general legislative and gubernatorial effort to increase UC enrollment and in particular at UCLA. UC wasn't happy with the bill, but it is what it is.

One result is a new task force:

From an email:

## **Undergraduate Council**

### **Committee on Undergraduate Admissions and Relations with Schools**

To: Academic Senate Faculty, Administrative Officers, Deans, Department Chairs, Directors, Vice Chancellors and Vice Provosts

Dear Colleagues:

With the recent passage of AB 1291, UCLA will pilot a new Associate Degree for Transfer (ADT) Program for the University of California in the 2026–27 academic year.

We are pleased to announce that the Undergraduate Council and Committee on Undergraduate Admissions and Relations with Schools (CUARS) of the UCLA Academic Senate have jointly charged a senate task force to carry out this important initiative. In consultation with campus units and departments, the task force will recommend a series of UCLA majors to launch the program and an implementation plan that aligns transfer curricula with UC admissions criteria and academic requirements. It will also formulate goals and evaluation metrics for the pilot, anchored in the University's academic mission as well as our commitment to increasing access and opportunity for community college transfer students. Subsequently the Undergraduate Council and CUARS will make decisions based on the task force recommendations.

The ADT Pilot Program Task Force is co-chaired by Connie Kasari, professor of education and psychiatry and Alexander Spokoyny, professor of chemistry and biochemistry. Members include Scott Brandenburg, professor of civil and environmental engineering; Edith Omwami, associate professor of education; Cristobal Silva, associate professor of English and Luke Yarbrough, associate professor of Near Eastern languages and cultures.

The task force will convene during winter and spring 2024 and offer opportunities for campus partners to share ideas and feedback in support of enhancing transfer pathways to UC.

Sincerely,

Catherine Sugar, Chair, Undergraduate Council

Lynn Vavreck, Chair, Committee on Undergraduate Admissions and Relations with Schools

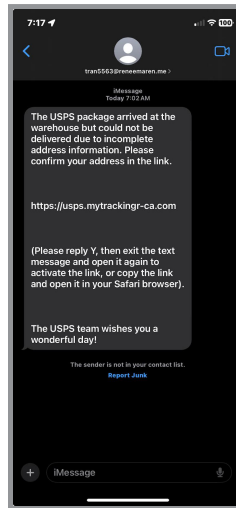
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\* <https://uclafacultyassociation.blogspot.com/2023/09/ab-1291-passed.html>.



# Again - Don't Reply - Delete

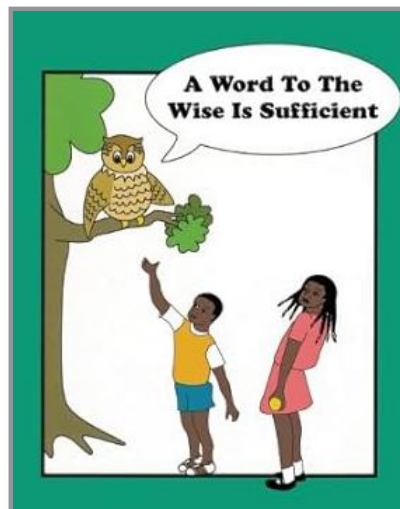
Friday, December 29, 2023



Another scam alert:

Yours truly is clearly on somebody's sucker list. But as we noted last week, if you get one of these notices as a text message, do not reply to it. Instead, delete it. Despite my previous advice, the scammers keep sending. This one arrived just this morning.

The message doesn't come from the US Postal Service as a quick inspection of the supposed originating email address reveals. It is doubtful that the Postal Service would even have my cellphone number to send me a message.



You can try blocking the sender, but scammers are likely to keep switching their supposed origins.

# About Yesterday's Post on the Purchase of Westside Pavillion...

Friday, December 29, 2023



*Roses are red;*

*Violets are blue.*

*What UCLA calls a rumor,*

*Seems to be true.*

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The statement that the purchase of Westside Pavillion by UCLA is just a rumor appeared in the LA Times:

[https://www.latimes.com/california/story/2023-12-29/university-of-california-poised-to-buy-former-westside-pavillion.](https://www.latimes.com/california/story/2023-12-29/university-of-california-poised-to-buy-former-westside-pavillion)

# Swimming in Scandal - Part 10

Saturday, December 30, 2023



Remember the UC-Berkeley swimming scandal?\* As we close out the calendar year, it reappears:

From the Orange County Register: *Former University of California women's swimming coach Teri McKeever has admitted to emotionally and physically abusing Cal swimmers for more than 20 years as part of an agreement with the U.S. Center for Safe Sport, according to a confidential document obtained by the Southern California News Group. McKeever's admission in SafeSport's 18-page notice of decision this week marks the first time she has acknowledged abusing Cal swimmers since a May 2022 SCNG investigation first reported dozens allegations that she routinely bullied, emotionally and physically abused swimmers, pressured them to compete and/or train while injured and directed profanity and racist language toward them.*

*McKeever's admission was part of a deal in which she agreed to a three-month suspension from participating in any events sanctioned by the U.S. Olympic and Paralympic Committee and was placed on probation for 12 months following an 18-month investigation by the Center. She is also barred from contacting the swimmers who made allegations against her to SafeSport...*

Full story at <https://www.ocregister.com/2023/12/28/teri-mckeever-suspended-by-the-u-s-center-for-safesport/>.

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\* <https://uclafacultyassociation.blogspot.com/2023/05/swimming-in-scandal-part-9.html>.

# It was bound to happen...

Saturday, December 30, 2023



Lately, a scandal involving plagiarism has been swirling about Harvard President Claudine Gay - an indirect outgrowth of her Congressional antisemitism testimony fiasco - sufficient to push the Francesca Gino affair about which we have blogged\* off everyone's minds. But someone was bound to make the connection between the suspension of Gino and the continuance of Gay:

<https://poetsandquants.com/2023/12/27/clauidine-gay-and-francesca-gino-why-is-harvard-protecting-one-punishing-the-other-for-research-misconduct/?pq-category=mba-news>.

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\* <https://uclafacultyassociation.blogspot.com/2023/11/the-latest-on-harvard-data-manipulation.html>. Gino was suspended for alleged data manipulation in various papers while the Gay matter has dealt with plagiarism. (She has revised some work in the light of plagiarism critiques.) But the dark corners of the internet are now buzzing with data manipulation allegations in Gay's work, too:

<https://www.econjobrumors.com/topic/clauidine-gay-fabricated-coefficients-in-2001-apsr-article>.

# Inconsistent Disclaimer Policy Across UC

Saturday, December 30, 2023



There has been controversy about political statements made ostensibly on behalf of units of UC campuses. The Academic Senate's policy seems to be that a disclaimer should be included saying that the views expressed may not be those of everyone in the unit, etc.\*

It's unclear, however, what happens if a statement is posted without a disclaimer. When some Harbor-UCLA physicians posted a statement about the Israel-Gaza conflict, it was quickly taken down although, of course, nothing really dies on the web.\*\* In that case, because Harbor-UCLA uses an LA County website, a County policy was violated. (It's unknown what penalty, if any, was imposed on the posters by Harbor-UCLA.)

In 2021 (well before recent events), a statement on Israel-Palestine was posted without a disclaimer on a UCLA website without any disclaimer where it remains.\*\*\* Apparently, there has been no requirement by UCLA powers-that-be to add a disclaimer or, alternatively, remove it.

In contrast, at UC-San Diego's Rady Children's Hospital, a statement was posted and then removed. (Yours truly could not find a copy on the web - but perhaps it is there somewhere.) An article about that affair appeared yesterday in the San Diego Union-Tribune:\*\*\*\*

*Rady Children's Hospital and UC San Diego are taking steps to make it clear that a provocative letter calling for a cease-fire in Gaza was not a sanctioned communication of either organization after some in the community objected to the document's contents. In a memo to all Rady staff sent on Nov. 27, Jill Strickland, Rady's senior vice president and chief administrative officer, indicates that many in the community reached out "and communicated your concerns" after reading the letter, which was posted on the document collaboration site Google Docs. On Friday, Rady reiterated its initial message, saying in a written statement: "We want to be clear. Rady Children's name was used without our knowledge or permission. The letter was unauthorized, and in no way speaks for our institution. We are deeply committed to the children we serve and to the physicians, nurses and staff that help support our mission." Late Friday afternoon, UC San Diego struck a similar note, issuing its own short acknowledgment that the letter was circulating before it was removed from Google Docs, but attempting to draw a line between official statements and personal opinion. "The letter was authored by a few residents who were not speaking on behalf of UC San Diego or the residents in the program as a whole, and UC San Diego did not participate in the drafting of their letter," the university's statement said. Entitled "A Letter on Behalf of the Rady Children's Hospital/UCSD Pediatric Residents," and signed only "UCSD Pediatric Residents," the*

*letter, a copy of which was obtained by The San Diego Union-Tribune, does appear to attempt to speak for all of those currently doing their pediatric clinical rotations with Rady. Residents are those who have earned their medical doctorates and who are progressing through the multi-year process of post-graduate training alongside medical professionals in settings from doctors offices to hospital units. Efforts to reach several UCSD pediatric residents through their university-issued email addresses Friday were not returned. The document cites health statistics from the Ministry of Health in Gaza, listing a death toll that “stands at more than 11,000 people, 68 percent of whom are children and women,” and also indicating that hospitals, especially Al-Shifa Hospital in Gaza, have suffered setbacks that have significantly increased the suffering and death of children, especially those treated in neonatal intensive care units. Letter writers indicate that circulating their statement “makes it clear that we stand with thousands of health care workers all over the country calling for a cease-fire.”*

*The message, which some are interpreting as indicating support for Hamas, the terrorist group that massacred civilians in southern Israel on Oct. 7, 2023, is being taken that way by some of Jewish faith in the San Diego community. San Diego resident Jordan Rosenfeld said that he considers the statistics cited in the residents’ letter to have “literally come from Hamas,” calling the Ministry of Health in Gaza a “Hamas-controlled organization,” and the Al-Shifa Hospital “literally Hamas HQ.” There has been enough local outrage over the letter, Rosenfeld said, that some have changed their behavior. “As the grandson of a Holocaust survivor with children of my own now, I’m exceedingly aware that the enormity of that atrocity happened because of ordinary Germans and Europeans who were willing to spread Nazi propaganda,” Rosenfeld said in an email. “It is horrifying to know how many doctors at Rady are willing to spread Hamas propaganda and show their sympathy with Nazi imitators. “My son was in dire need of urgent care on Christmas, and my wife and I just couldn’t risk having him seen by these people. How could any Jewish San Diegan not worry they will be mistreated there?” The student letter, though, makes no mention of treating Rady patients differently based on their perspectives on Gaza, instead appealing to end the humanitarian crisis that has been reported worldwide. Rady’s memo to clinicians on Nov. 27 indicates that the organization tries to operate in an apolitical space between competing opinions: “While we respect people may have different perspectives on a variety of topics, we share a collective commitment to create a warm and welcoming place of healing where all children and their families feel empowered and supported as they received the highest quality care.” But Rady’s memo in response to the resident’s letter also states that the hospital is “taking steps to address this situation.” What exactly those steps were is not specified. A hospital spokesman said that UC San Diego pediatric residents continue to do clinical rotations at Rady, but declined to say how many new doctors are currently filling shifts in its hospital and clinics. Asked whether the residents will face any sort of discipline from the university, UCSD’s statement indicates that it “does not comment on personnel matters.” “UC San Diego unequivocally condemns all forms of hate, and the university will hold accountable to the maximum extent of its abilities anyone whose conduct violates the law or University policy,” the statement said.*

There was an earlier controversy at UC-San Diego concerning a statement put out by the campus Ethnic Studies Department. A disclaimer does appear on the current version of that statement which was moved from its original link to another link.\*\*\*\*\* That statement led to a response - also with a disclaimer - from an individual at the UC-San Diego Rady management school.\*\*\*\*\*

What seems clear is that the policy on statements by units within UC seems to vary from

campus to campus. UCLA seems to have no policy regarding statements without disclaimers although its affiliated Harbor-UCLA does. UC-San Diego seems to require disclaimers and removes statements without them. There does not seem to be an overall UC policy although the Academic Senate's guideline applies systemwide.

It should be noted that none of the rules apply to individual faculty members who are free to write op eds, use private social media, etc. The problems arise when statements appear to represent the official policy of units within UC, either because they appear on official unit websites or because they say they represent some unit. The Academic Senate guidelines actually call for more than a disclaimer and include providing information on how the statement was agreed upon (voting procedures, etc.) and dissenting statements. It is unclear if any statements so far have ever complied with the full guideline. The only exceptions are official statements of the Regents which typically are adopted in an open public debate and voting process. (The Regents have taken positions on various ballot measures.)

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\* ... *Departments should use their right to issue political statements responsibly and judiciously. To this end, it is important for departments to include disclaimers with statements that make clear the department does not speak for the University as a whole...* Source:

[https://senate.universityofcalifornia.edu/\\_files/reports/rh-senate-divs-recs-for-dept-statements.pdf](https://senate.universityofcalifornia.edu/_files/reports/rh-senate-divs-recs-for-dept-statements.pdf).

\*\*The statement was preserved by a critic and can be seen at:

<https://twitter.com/TyDurgen/status/1718747541460951405>.

\*\*\* <https://asianam.ucla.edu/2021/05/21/asian-american-studies-departments-statement-of-solidarity-with-palestine/>.

\*\*\*\* <https://www.sandiegouniontribune.com/news/health/story/2023-12-29/rady-childrens-ucsd-distancing-themselves-from-pediatric-residents-gaza-cease-fire-letter>.

\*\*\*\*\* <https://ethnicstudies.ucsd.edu/about/statements-commentaries.html#A-DAY-OF-ACTION,-WE-GOT-YO-BACK>. The disclaimer reads: *We welcome all thoughtful, informed and reasoned comments to our departmental statements. The views expressed herein do not necessarily represent the views of all faculty and graduate students at the Department of Ethnic Studies, the Regents of the University of California, or the University of California, San Diego.*

\*\*\*\*\* <https://rady.ucsd.edu/why/centers/us-israel-center/index.html>. The disclaimer reads: *Disclaimer: The views and opinions expressed in this open letter belong solely to the author and do not reflect the views of all faculty or staff of the Rady School of Management or UC San Diego.*

# UCLA History: The Return

Sunday, December 31, 2023



At the end of World War II, the War Relocation Authority - which managed the various camps in which Japanese Americans from the West Coast were interned, was apparently anxious to show that all was well and released the photos above at UCLA.

The caption of the upper photo reads:

*Nisei students arriving on the campus at the University of California in Los Angeles. In the foreground is Michiko Kataoka. Behind her are Mr. Evan Oyakawa and Miss Meriko Hoshiyama. The girls are from Manzanar, and Evan is from Heart Mountain. Royce Hall is in the background. These three Nisei are thoroughly at home at U.C.L.A., one of the largest, most beautiful state universities in the nation. It is at Westwood Village, just off busy and fashionable Wilshire Boulevard, between Los Angeles and the ocean.*

The caption of the lower photo reads:

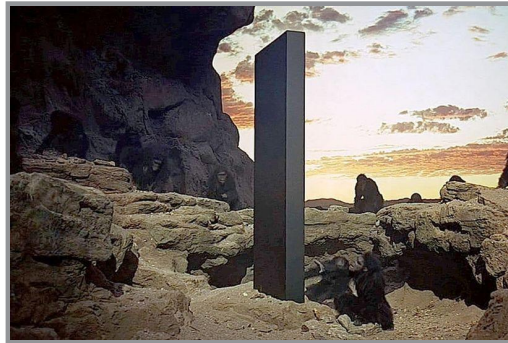
*Michiko Kataoka, a freshman, and Meriko Hoshiyama, a junior, both from Manzanar (left to right in picture), with fellow students at the entrance to the campus library at the University of California at Los Angeles. These Nisei are quite at home at U.C.L.A., one of the largest and most beautiful state universities in the nation. It is just off fashionable Wilshire Boulevard in lovely Westwood Village, between Los Angeles and the ocean. Tuition is very reasonable at this big, modern university. It is easy to get part-time jobs, and the university has a department to take care of that.*

Source: <https://calisphere.org/item/ark:/13030/ft3w1004r0/>; <https://calisphere.org/item/ark:/13030/ft8q2nb5p0/>.



# Looking Ahead

Sunday, December 31, 2023



*As 2023 comes to a close, we look ahead to discover what 2024 will bring. What could possibly go wrong? (Lots of things.) Happy New Year!*





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OPTION B

